

# **Carolyn Smith, et al. v. James E. Bailey, et al.**

**James Bailey**

**April 29, 2025**

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**EXHIBIT 5**

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IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION

CAROLYN SMITH, SHAQUITA McCOMB,  
BONITA BLAKE, SANDRA SANDERS,  
AND JAMES ELLIS, JR.

PLAINTIFFS

VS.

CIVIL ACTION NO. 5:24-cv-72-DCB-ASH

JAMES E. BAILEY, IN HIS  
INDIVIDUAL CAPACITY AND IN HIS  
OFFICIAL CAPACITY AS SHERIFF OF  
JEFFERSON COUNTY, MISSISSIPPI,  
AND DIRECTOR OF THE  
JEFFERSON-FRANKLIN REGIONAL  
CORRECTIONAL FACILITY, AND  
JEFFERSON COUNTY, MISSISSIPPI

DEFENDANTS

DEPOSITION OF JAMES E. BAILEY

Taken at the Jefferson County Circuit Courthouse,  
1483 Main Street,  
Fayette, Mississippi,  
on Tuesday, April 29, 2025,  
beginning at approximately 1:55 p.m.

REPORTED BY:

ELLA J. HARDWICK, CVR-M, CCR #1749

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<p>1 APPEARANCES  2 CARROLL E. RHODES, ESQ.  Law Offices of Carroll Rhodes  3 119 Downing Street  Hazlehurst, Mississippi 39083-3001  4 Email: Crhode@bellsouth.net  5 COUNSEL FOR PLAINTIFFS  6  7 THOMAS L. CARPENTER, JR., ESQ.  Wise Carter  2510 14th Street, Suite 1125  8 Gulfport, Mississippi 39501  Email: Tlc@wisecarter.com  9  10 COUNSEL FOR DEFENDANTS  11 ALSO PRESENT: Ms. Carolyn Smith  12  13  14  15  16  17  18  19  20  21  22  23  24  25</p>	<p>1 EXHIBITS  2 NO. DESCRIPTION PAGE  3 Exhibit 1 Organizational Chart 30  4 Exhibit 2 General Policy on Employment 34  5 Exhibit 3 Equal Opportunity Policy 35  6 Exhibit 4 Letter to Employees Dated 47  10/17/2023  7 Exhibit 5 "Now Hiring" Advertisement 56  8 Exhibit 6 Defendants' Answers to 59  9 Plaintiffs' First Set of Interrogatories  10 Exhibit 7 Letter to C. Smith re Denial 73  of Re-Employment  11 Exhibit 8 Letter to S. McComb re 86 Denial of Re-Employment  13 Exhibit 9 Letter to B. Blake re Denial 91  of Re-Employment  14 Exhibit 10 Letter to S. Sanders re 99 Denial of Re-Employment  16 Exhibit 11 Letter to J. Ellis re Denial 100  of Re-Employment  17  18  19  20  21  22  23  24  25</p>
<p>1 TABLE OF CONTENTS  2 PAGE  3 Title Page..... 1  4 Appearance Page..... 2  5 Table of Contents..... 3  6 Exhibit Index..... 4  7 Certificate of Court Reporter.....109  8  9 EXAMINATION  10 Examination By Mr. Rhodes..... 5  11  12  13  14  15  16  17  18  19  20  21  22  23  24  25</p>	<p>1 MR. CARPENTER: Usual stipulations,  2 and we'll see about read and signing at  3 the end.  4 MR. RHODES: Yeah, yeah.  5 MR. CARPENTER: That'll work.  6 MR. RHODES: Usual stipulations.  7 JAMES E. BAILEY,  8 having been first duly sworn,  9 was examined and testified as follows:  10 EXAMINATION  11 BY MR. RHODES:  12 Q. Good afternoon, Sheriff Bailey.  13 A. How you doing today?  14 Q. All right. My name is Carroll Rhodes, and  15 I represent Ms. Carolyn Smith and the other  16 plaintiffs that filed a case against you and the  17 county.  18 A. Okay.  19 Q. And we're here today to take a deposition.  20 And have you given a deposition before?  21 A. No.  22 Q. Okay. A deposition is just like testimony  23 in court with the judge, except we don't have a  24 judge here. We have a court reporter who took your  oath just like you would be in court.</p>

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<p>1        And the testimony that you're giving to      2        the deposition is the same as testimony as if you      3        were on the witness stand.</p> <p>4        A. Correct.</p> <p>5        Q. So you understand that the process is --</p> <p>6        A. Yes, sir.</p> <p>7        Q. -- the same just like a courtroom?</p> <p>8        A. Okay.</p> <p>9        Q. And I might ask a convoluted question or a      10      question that doesn't make sense. Don't hesitate      11      to tell me. If you don't understand, ask me to      12      rephrase or re-ask a question.</p> <p>13        A. Okay.</p> <p>14        Q. Let me start with your name. Could you      15      give the court reporter your full name?</p> <p>16        A. James, J-A-M-E-S, E, as in Edward,      17      E-D-W-A-R-D, Bailey, B-A-I-L-E-Y, Sr.</p> <p>18        Q. Okay. Sheriff Bailey, how old are you?</p> <p>19        A. 62.</p> <p>20        Q. And you live here in Jefferson County?</p> <p>21        A. I do.</p> <p>22        Q. Could you give us your educational      23      background?</p> <p>24        A. 12th grade education. Graduated from      25      Jefferson County High School in 1980.</p>	<p>1        And Peter Walker got elected in '93, and I      2        worked with him, and I also started working with      3        Alcorn PD in 1993. That's who I went through the      4        police academy with, too, Alcorn PD. And from      5        there I moved -- after deputy, I moved to sergeant      6        with the sheriff's department here in Jefferson      7        County. I was a sergeant at Alcorn State      8        University and campus police.</p> <p>9        And from there, I resigned from Alcorn      10      January 31st of 2001. I still was working here. I      11      had, like, 13 years in law enforcement then. So I      12      moved from sergeant up to chief deputy later on,      13      maybe around 2017, something like that.</p> <p>14        I moved up to chief deputy up under the      15      administration of Peter Walker. I seek for sheriff      16      in 2019 and took office in 2020.</p> <p>17        Q. In 2019, do you recall -- and you ran as a      18      Democrat?</p> <p>19        A. I did.</p> <p>20        Q. Do you recall the other candidates in the      21      Democratic primary in 2019?</p> <p>22        A. In 2019, it was Bobby Bailey; me and him      23      was in the primary election, which was Democrat, in      24      August. And in November, it was Peter Walker and      25      (indiscernible) Grover in November. And Peter</p>
<p style="text-align: center;">Page 7</p> <p>1        Q. And do you have any licenses or      2        certifications?</p> <p>3        A. Meaning with law enforcement?</p> <p>4        Q. With law enforcement.</p> <p>5        A. I'm a certified law enforcement officer.      6        I graduated in class of -- base class 169 from      7        MLEOTA in Pearl, Mississippi.</p> <p>8        Q. What year was that?</p> <p>9        A. 1995. Base class 169.</p> <p>10        Q. Okay. And could you give us your      11      experience in law enforcement?</p> <p>12        A. Yes. Well, when I first graduated from      13      high school, I started at the supermarket, and I      14      worked there for, like, ten years. And I started      15      with the Jefferson County Sheriff's Department in      16      1989 up under the administration of Sheriff J.P.      17      Wallace. He was the sheriff then, and I started      18      out dispatching.</p> <p>19        Later after Sheriff Wallace ended up      20      passing away, Bud Williams was the acting sheriff.      21      I worked up under him. I hit the streets in '91 up      22      under his administration. They had a special at      23      the end of '91 in the -- in early '93, they had a      24      special election with Bud Williams, who was acting      25      sheriff, and Peter Walker.</p>	<p style="text-align: center;">Page 9</p> <p>1        Walker ran as independent, and I think Grover --      2        both of them ran as independents, Peter and Walter      3        Grover.</p> <p>4        Q. And when -- in 2019, when Peter Walker --      5        he was the sheriff at that time?</p> <p>6        A. He had been sheriff for 26 years.      7        Correct.</p> <p>8        Q. For 26 years?</p> <p>9        A. 26 and a half.</p> <p>10        Q. And you ran for sheriff against Peter      11      Walker?</p> <p>12        A. Correct.</p> <p>13        Q. Now, let me back up. When you say that      14      after Sheriff J.P. Wallace -- he died in office?</p> <p>15        A. Yes. He was -- he had one stroke, and      16      then he ended up having another stroke. And matter      17      of fact, he died on his birthday, 53 years of age.</p> <p>18        Q. Okay. Now -- and then Bud Williams became      19      the interim sheriff?</p> <p>20        A. He was the interim sheriff, acting      21      sheriff, and then they had a special election in      22      '93. It was Peter Walker and Bud Williams.</p> <p>23        Q. Do you recall when it was that Bud      24      Williams became the interim sheriff or when it was      25      that Sheriff Wallace died?</p>

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<p>1        A. Bud had become sheriff sometime in '92, 2 beginning of '92, somewhere around there maybe. 3        Q. And when Bud Wallace became sheriff, what 4 position did you hold in the sheriff's department? 5        A. I was dispatching during that time. Then 6 he moved me from dispatcher to being a deputy law 7 enforcement officer. It was me, Daniel Davis, and 8 Malcolm Gill. It was only three deputies. 9        Q. And the election to fill out Sheriff 10 Wallace's term was 1993? 11      A. Correct. That's when they had a special 12 election. 13      Q. And the Interim Sheriff Williams ran in 14 that election? 15      A. He did. Bud Williams. 16      Q. And Peter Walker also ran in that 17 election? 18      A. Correct. 19      Q. And that was a special election? 20      A. It was a special election, because -- 21      Q. So it wasn't no party? It was just 22 everybody ran? 23      A. It was a special election because Sheriff 24 Waller passed away before his term. 25      Q. Right, right. But I'm just saying it was</p>	<p>1        A. Same time. 2        Q. Okay. And you moved up through the ranks? 3        A. Through the ranks on both. Both I was 4 sergeant. Then -- I was sergeant here at the 5 Jefferson County Sheriff's Department, and I was 6 sergeant at Alcorn until I resigned from out there. 7        And then maybe around 2017, something like 8 that, I moved up to the chief deputy here, 9 Jefferson County Sheriff's Department up under 10 Peter Walker's administration. 11      Q. And so, in 2019, did you run as a 12 Democrat? 13      A. I did. 14      Q. And you said -- was it Bobby Bailey, he 15 was a Democrat? 16      A. Correct. 17      Q. And when you ran as a Democrat, you were 18 the chief deputy? 19      A. Correct. 20      Q. Serving up under Peter Walker? 21      A. Correct. 22      Q. Did you know that Peter Walker was going 23 to run in 2019? 24      A. No, I did not. January 17, one of his 25 units broke down. Had a problem with one of his</p>
<p>1        a special election. It wasn't a primary or 2 anything? 3        A. No, no. 4        Q. And Peter Walker won that election? 5        A. Correct. 6        Q. Now, did you support Bud Williams when he 7 ran in that election? 8        A. No, I did not. 9        Q. Did you support Peter Walker? 10      A. I did. 11      Q. And Peter Walker won? 12      A. He did. 13      Q. You said that in '93, you went to work at 14 Alcorn PD? 15      A. Correct. 16      Q. Now, was that part-time or full-time? 17      A. I -- full-time. 18      Q. Did you leave the sheriff's department? 19      A. No. I was still -- I was comfortable 20 working both of them. I worked at Alcorn like 3:00 21 to 11:00 -- 22      Q. Okay. 23      A. -- and come to Fayette 12:00 to 8:00. 24      Q. Okay. That's what I'm trying to say. So 25 you were working both jobs at the same time?</p>	<p>1        units, either the Dodge Charger or the Dodge Ram. 2 And he took it to the Dodge place in Natchez. 3        And we was coming back, at the new 4 McDonald's in Natchez, but we come back north. He 5 looked over at me and say, You need to start 6 getting out there. Start getting out there now. 7 Two and a half years will be here before you know 8 it. You need to start hitting the churches. 9        I said, You not going to run? He said, 10      Nope, I'm not going to run. I said, Okay. I took 11 his advice. 12      Q. And you ran? 13      A. I ran. 14      Q. When did you find out he was going to run 15 as an independent? 16      A. When I qualified in January, I stayed 17 focused on myself. No one else. I never called 18 back down to the circuit clerk's office and asked 19 them who had qualified. It was mid-February when I 20 knew that Sheriff Walker was running again. 21      I went to town, and I was talking to a 22 lady over there, and he called me and asked me was 23 I 10-6; that means are you busy. I told him, I 24 said, Well, I'm just talking to someone right now. 25      He said, Well, there's no hurry. Just</p>

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<p>1       when you get a chance, I need to talk to you. I 2       said, Okay.</p> <p>3       About ten minutes after that conversation 4       was done, we got a call about a 10-50, which is an 5       accident, which was out 28 about five miles, 28 by 6       the road called Puffer Road. When I got in the 7       truck, I called him. I said, Hey, Boss Man.</p> <p>8       He said, Yeah, James.</p> <p>9       I said, I'm here for this 10-50. You said 10      you wanted to talk to me. You want to -- he said, 11      I'm coming out there. I'm headed that way. Fine. 12      I got on the scene. Direct traffic until the MHP 13      got there, until the people got loaded up, the 14      injured people got in the ambulance. And it was a 15      logging road right there. And so, I say, Hey, Boss 16      Man, let's go -- let's walk up this logging road 17      over here. And we talked.</p> <p>18       I said -- so we got -- he said, What are 19      you shooting at? I said -- asked him, What are you 20      shooting at? He say, Don't tell nobody. I'm going 21      to run. I say -- I mean, no. I'm sorry. Back up.</p> <p>22       He said, Don't tell no one that I'm going 23      to drop out. I go, like, Huh? You qualified? He 24      said, Yes, but I don't know what I'm going to do 25      yet. I said, Sheriff, I don't mean no harm and no</p>	<p>1       Q. Now, let me ask you if you have any family 2       members in these counties: Wilkerson, Amite, Pike, 3       Adams, Franklin, Lincoln, Jefferson, and Claiborne?</p> <p>4       A. Jefferson. A few in Claiborne, but 5       they're not really -- I really don't know all of 6       them. To be honest, I really don't know all of 7       them.</p> <p>8       Q. I'm just going to ask last names. Last 9       names.</p> <p>10       A. Claiborne, don't ask me their first names, 11       'cause I don't know them. They on my mama's side. 12       They stay out there around Pattison, and I don't 13       know them like that. But I know their last name 14       Claiborne. And Norrells.</p> <p>15       MR. RHODES: P-A-T-T-I-S-O-N.</p> <p>16       THE WITNESS: P-A-T-T -- yeah.</p> <p>17       S-O-N, correct.</p> <p>18       THE COURT REPORTER: Thank you.</p> <p>19       BY MR. RHODES:</p> <p>20       Q. And you said Norrells?</p> <p>21       A. Norrells.</p> <p>22       Q. In Claiborne County?</p> <p>23       A. In Claiborne County.</p> <p>24       Q. And any other Baileys that you're related 25       to in Jefferson?</p>
<p>1       disrespect, I said, but ain't but three things I 2       got to do. He said, What is that? I say, Stay 3       safe in these streets, keep on taking care of the 4       citizens of Jefferson County, and stay focused on 5       my campaign. I got \$3,500 out here now. You told 6       me you wasn't running.</p> <p>7       And I ended the conversation because I 8       just knew he wasn't running, and he told me he 9       wasn't running.</p> <p>10       Q. Okay. Now, I'm going to ask you now 11      back -- go back to 1993 when Peter Walker won that 12      special election. Did he finish -- he finished 13      serving out Sheriff Wallace's term?</p> <p>14       A. He did.</p> <p>15       Q. And then did he run for reelection?</p> <p>16       A. Correct.</p> <p>17       Q. And he was reelected every four years up 18      until 2019?</p> <p>19       A. Correct.</p> <p>20       Q. Now, you were working for the sheriff's 21      department all that time?</p> <p>22       A. Oh, yes.</p> <p>23       Q. After every election, did you have to 24      reapply for your position?</p> <p>25       A. No.</p>	<p>1       A. No. It's four different sets of Baileys. 2       It's my set, it's Bobby Bailey's set, it's Carl 3       Bailey, and Tony Ray Bailey's set, and then you had 4       another set that used to stay out here on Walker 5       Road. Richard Bailey, Frank Bailey, them different 6       sets.</p> <p>7       Q. Okay.</p> <p>8       A. So four different sets here, and I'm not 9       related to the other three.</p> <p>10       Q. All right. Now, when you won -- you ran 11      in 2019?</p> <p>12       A. I did.</p> <p>13       Q. And you took office in 2020?</p> <p>14       A. Correct.</p> <p>15       Q. In January 2020?</p> <p>16       A. January 1, 2020.</p> <p>17       Q. Did you -- did any of the employees of the 18      sheriff's department have to reapply?</p> <p>19       A. I had all of my employees to reapply, 20      even -- when I took my sheriff training in December 21      of '19 to be able to take office in 2020, I had all 22      the correction officers from the facility and from 23      the sheriff's office, and I reviewed them when we 24      was out of class up there.</p> <p>25       Q. Okay. And when you were elected and took</p>

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<p>1 office in January 2020 -- do you know Ms. Carolyn 2 Smith? 3 A. I do. 4 Q. She was working for the correctional 5 facility, wasn't she? 6 A. Correct. 7 Q. Okay. Now, I'm going to ask you about the 8 actual sheriff's department itself. You have 9 deputies within the sheriff's department? 10 A. I do. 11 Q. How many deputies? 12 A. Eight deputies, one investigator. 13 Q. Eight deputies and one investigator? 14 A. Correct. 15 Q. Do you have a chief deputy? 16 A. No, I do not. 17 Q. Okay. 18 A. Last one I had was Derrick Stampley. 19 Q. When was that? 20 A. I guess Derrick must have left in, oh, 21 God, '23. 22 Q. Okay. 23 A. End of '22 or '23. 24 Q. Do you have a position for chief deputy in 25 the sheriff's department?</p>	<p>1 sweat. We're flexible. 2 MR. RHODES: Okay. Off the record. 3 (OFF THE RECORD.) 4 BY MR. RHODES: 5 Q. Okay. Toward the -- let me see -- 6 MR. CARPENTER: You want the page for 7 the Jefferson County? 8 MR. RHODES: Yes. It's toward the 9 end. 10 MR. CARPENTER: You got it. I think 11 that's it. Bottom of 58? 12 MR. RHODES: Yeah. 13 MR. CARPENTER: You got it. That's 14 what he's looking for. 15 BY MR. RHODES: 16 Q. The reason I was showing you that, do you 17 see where -- 18 A. Uh-huh. (Affirmative response.) Where -- 19 Q. -- it says Jefferson-Franklin Regional 20 Correctional Facility? 21 A. Correct. 22 Q. And what type of facility does MDOC list 23 it as? Is it a county? 24 A. ACA facility open, ACA accreditation, ACA 25 (talking to self).</p>
<p>1 A. I do, and I need a chief deputy, but I 2 just don't have no one that want to -- really want 3 to step to the plate and take on the 4 responsibility. 5 Q. Now, you were working in the sheriff's 6 department back in -- when the Jefferson-Franklin 7 Regional Correctional Facility was created? 8 A. It was built in 1997. 9 Q. And that's a satellite prison for the 10 Mississippi Department of Corrections? 11 A. It was a private industry back then. It's 12 18 facilities in the state of Mississippi, and that 13 was one of them, and it's like an independent 14 operation. We house inmates for MDOC, and MDOC pay 15 us or are reimbursing us for housing, however you 16 want to say it. 17 Q. Okay. 18 A. That's how we make our money. 19 Q. Okay. 20 MR. RHODES: I want to let him look 21 at that. 22 MR. CARPENTER: Certainly. You want 23 to mark that exhibit? 24 MR. RHODES: No, not -- 25 MR. CARPENTER: Fair enough. No</p>	<p>1 MR. CARPENTER: I think where you're 2 going -- I think he's asking you what type 3 of facility it is. 4 THE WITNESS: It's an institution, a 5 county regional facility. 6 MR. RHODES: Yes. 7 BY MR. RHODES: 8 Q. It's not listed as a private facility? 9 A. No, no. 10 Q. Okay. All right. 11 A. Okay. 12 Q. It's really a regional facility? 13 A. Okay. It's a regional jail. Correct. 14 Q. Okay. All right. And is there a 15 memorandum of understanding between the Mississippi 16 Department of Corrections and the Jefferson County 17 Board of Supervisors? 18 A. It is a housing agreement that we have for 19 housing the inmates. 20 Q. Okay. Now, who actually built that 21 facility? 22 A. Now that, I can't answer. 23 Q. Okay. 24 A. That was up under Sheriff Walker's 25 administration.</p>

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<p>1 Q. Okay. And what is that housing agreement?</p> <p>2 A. With a housing agreement, when we -- when</p> <p>3 I first took office, if I'm not mistaken, we were</p> <p>4 getting like \$24.44 an inmate. Okay? That was</p> <p>5 from 1 to 200. When it got to 201 --</p> <p>6 Q. Let me stop you there. You said \$24 and?</p> <p>7 A. 44 cents.</p> <p>8 Q. Is that a day?</p> <p>9 A. A day.</p> <p>10 Q. Okay. All right.</p> <p>11 A. Okay.</p> <p>12 Q. Okay. For housing state --</p> <p>13 A. State inmates.</p> <p>14 Q. -- inmates? 24.40 --</p> <p>15 A. I think it was 24.44 we was getting, and</p> <p>16 that was from 1 to 200.</p> <p>17 Q. Okay.</p> <p>18 A. When it got to 201 to 270, it dropped down</p> <p>19 to \$20. So 200, we were getting 24.44, and then</p> <p>20 from -- from 201 to 270, we were getting \$20.</p> <p>21 Q. Okay. A day?</p> <p>22 A. A day.</p> <p>23 Q. Now, that's when you first became sheriff</p> <p>24 in 2020?</p> <p>25 A. Correct.</p>	<p>1 Q. They pay so much a day --</p> <p>2 A. Correct.</p> <p>3 Q. -- for you-all to house prisoners.</p> <p>4 A. Correct.</p> <p>5 Q. How do they make those payments and who do</p> <p>6 they make those payments to?</p> <p>7 A. Okay. MDOC was sent -- now what they do,</p> <p>8 they wire the money to the facility budget, which</p> <p>9 goes into a general fund, and the county make our</p> <p>10 payroll out of that.</p> <p>11 Q. The general fund, is that the county</p> <p>12 general fund?</p> <p>13 A. No. It's the facility's general funds.</p> <p>14 Q. It's not the sheriff's general fund?</p> <p>15 A. No. 'Cause the sheriff is the county. We</p> <p>16 have two budgets. I have a budget for the</p> <p>17 sheriff's department, and I have a budget for the</p> <p>18 facility.</p> <p>19 Q. Who approves the budget for the sheriff's</p> <p>20 department?</p> <p>21 A. I run it, but -- I -- I do my budget, and</p> <p>22 I bring it to the board.</p> <p>23 Q. Board of supervisors?</p> <p>24 A. Board of supervisors.</p> <p>25 Q. Who approves the budget for the regional</p>
<p style="text-align: center;">Page 23</p> <p>1 Q. The employees of the correctional</p> <p>2 facility, who hired them?</p> <p>3 A. The correctional facility hired them.</p> <p>4 Q. The correctional facility?</p> <p>5 A. Right. They're not a county employee.</p> <p>6 Q. Okay. Who issued them their checks?</p> <p>7 A. The county does, and the reason for being</p> <p>8 because they wanted me to get my own account</p> <p>9 payable, and I couldn't afford it.</p> <p>10 Q. When you say "they," who is they?</p> <p>11 A. Okay. Ms. Buck had mentioned, like, they</p> <p>12 wanted me to get my own account payable, and I</p> <p>13 couldn't afford it because of the equipment.</p> <p>14 Q. Now, when you say Ms. Buck, that's</p> <p>15 Ms. Brenda Buck?</p> <p>16 A. Brenda Buck.</p> <p>17 Q. She was the county administrator?</p> <p>18 A. Correct.</p> <p>19 Q. Okay. So the -- was MDOC paying the</p> <p>20 county prior to Ms. Buck asking you to get your own</p> <p>21 accounts payable?</p> <p>22 A. What you mean by that? I don't understand</p> <p>23 what you're saying.</p> <p>24 Q. The MDOC.</p> <p>25 A. Uh-huh. (Affirmative response.)</p>	<p style="text-align: center;">Page 25</p> <p>1 correctional facility?</p> <p>2 A. Same thing.</p> <p>3 Q. The board of supervisors approved the</p> <p>4 budget for the regional --</p> <p>5 A. Right. I have to bring them to them</p> <p>6 and -- I have to bring it to them and present it</p> <p>7 before the board; this is what it is. When I got</p> <p>8 my increase in my per diem for the inmates, I had</p> <p>9 to add that money to it, and I had to put it in</p> <p>10 different departments.</p> <p>11 Q. Okay. And you have a budget that is</p> <p>12 approved by the board of supervisors for the</p> <p>13 sheriff's department and for the correctional</p> <p>14 facility?</p> <p>15 A. They -- they approve mine, but really the</p> <p>16 board of supervisors don't have anything to do with</p> <p>17 that facility. It's accountable now because they</p> <p>18 paid for it, but I make my money from MDOC.</p> <p>19 Q. Yeah. I'm talking about budgets now.</p> <p>20 A. Okay.</p> <p>21 Q. Isn't it true that the board of</p> <p>22 supervisors approved budgets?</p> <p>23 A. They approved -- they approved budgets.</p> <p>24 Q. Okay. And they approved the budget for</p> <p>25 the regional correctional facility?</p>

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<p>1 A. Correct.</p> <p>2 Q. As well as for the sheriff's department?</p> <p>3 A. Correct.</p> <p>4 Q. And when you first were elected and took office in January 2020, the employees at the regional correctional facility were paid by the county with money that had come from the Department of Corrections; is that true?</p> <p>5 A. Correct.</p> <p>6 Q. But the actual checks or direct deposits came from someone working for the county?</p> <p>7 A. Correct. It come from Mary Thomas. She do it up there.</p> <p>8 Q. Mary Thomas?</p> <p>9 A. Mary Thomas.</p> <p>10 Q. What is her title?</p> <p>11 A. What is it? Oh, God. Right on the tip of my tongue.</p> <p>12 Q. Not payroll clerk?</p> <p>13 A. Payroll clerk. There you go. Thank you, sir. Help me out.</p> <p>14 Q. And Ms. Thomas, does she -- is she the payroll clerk that issues the checks for you, too?</p> <p>15 A. Oh, yeah. Yes, sir.</p> <p>16 Q. For all county employees?</p>	<p>1 BY MR. RHODES:</p> <p>2 Q. Would you get a copy of those two that you signed to your lawyer so he could get them to me?</p> <p>3 A. Sure, no problem. Now, she is out of town right now. So she out of town.</p> <p>4 MR. CARPENTER: Right. We'll get them as soon as we can. You bet you.</p> <p>5 Yeah. That's no problem. Yeah.</p> <p>6 MR. RHODES: Okay.</p> <p>7 BY MR. RHODES:</p> <p>8 Q. Now, the employees for the regional correctional facility, do they have uniforms?</p> <p>9 A. They do.</p> <p>10 Q. And do they have insignia or any emblems or anything on their uniform?</p> <p>11 A. Well, they haven't had no Class A since I've been there. They used to have like 5.11s or something like that. Matter of fact, we fixing to purchase some more uniforms now.</p> <p>12 Q. Now, the uniforms for the correctional facility, are they the same or different from the uniform for the deputies?</p> <p>13 A. Different.</p> <p>14 Q. Different. And how are they different from the deputy's uniform?</p>
<p>1 A. All.</p> <p>2 Q. The memorandum of understanding between MDOC, Mississippi Department of Corrections, and the county, is a copy of it at the correctional facility?</p> <p>3 A. What you mean? A memorandum of what, now?</p> <p>4 What?</p> <p>5 Q. The original agreement between the county and the Mississippi Department of Corrections.</p> <p>6 A. Oh, yeah. That would be -- that would be in the housing agreement.</p> <p>7 Q. Is that -- is a copy of it at the --</p> <p>8 A. Sure. I just signed a new contract. Of course.</p> <p>9 Q. You just signed a new contract?</p> <p>10 A. Yeah.</p> <p>11 Q. How often do you sign those new contracts?</p> <p>12 A. I think I've signed two since I've been there. I think it's every term.</p> <p>13 Q. And where are those contracts kept?</p> <p>14 A. My deputy warden's office.</p> <p>15 Q. Who's the deputy warden?</p> <p>16 A. Cassandra Robinson.</p> <p>17 MR. CARPENTER: On it. No problem.</p> <p>18 MR. RHODES: You know I was.</p>	<p>1 A. I'll have this stock --</p> <p>2 Q. Now, the only thing, when you say this stock, the court reporter --</p> <p>3 A. Well, I'll have a, what, two, four, six-prong star on it.</p> <p>4 Q. Okay.</p> <p>5 A. Okay. They'll have something like -- what would you call it? Like a -- like a -- have an emblem -- an emblem in the middle and then have a hanger on each side. I don't know what you would call it. Something similar to like a Jewish thing.</p> <p>6 Q. Okay.</p> <p>7 A. I don't know what you would call it, but they patches are different, and they is going to have Jefferson Correctional Facility on it, and I'll have Jefferson County Sheriff's Department.</p> <p>8 Q. Okay.</p> <p>9 A. Sheriff's office. Not the department. It's office.</p> <p>10 Q. Now, I want to ask you about -- the plaintiffs in this case asked you, since you've been sheriff, who they work for, the correctional facility or the sheriff's department. Carolyn Smith?</p> <p>11 A. Yes. She worked for the facility.</p>

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<p>1 Q. Shaquita McComb?      2 A. Worked for the facility.      3 Q. Bonita Blake?      4 A. Worked for the facility.      5 Q. Sandra Sanders?      6 A. Worked for the facility.      7 Q. And James Ellis, Jr.?      8 A. Worked for the facility.      9 MR. RHODES: I want to have that      10 marked. Is that going to be 1?      11 THE COURT REPORTER: Going to be 1.      12 (EXHIBIT 1 MARKED FOR THE RECORD.)      13 MR. CARPENTER: And you can -- I      14 think we've got a copy, but, yeah.      15 Organizational chart. Okay.      16 BY MR. RHODES:      17 Q. Sheriff Bailey, what I handed you was an      18 organizational chart. Does that appear to be the      19 organizational chart for the correctional facility?      20 A. Correct.      21 Q. Okay. At the head of the correctional      22 facility is you as the sheriff; is that correct?      23 A. Correct.      24 Q. And up under you is a warden?      25 A. Warden.</p>	<p>1 Q. Would you have captain?      2 A. Well, yeah. Your captain. I'm sorry.      3 Yeah, captain.      4 Q. And then lieutenant would be --      5 A. Lieutenant.      6 Q. The captain would supervise the      7 lieutenants?      8 A. Supposed to. They had it all switched up      9 around there, and I was going to make some changes      10 when I got everything situated like I wanted to.      11 Because Sheriff Walker had his captain in the      12 kitchen.      13 Q. But let me ask about the year 2023. The      14 captain supervised the lieutenants?      15 A. Well, the captain had -- the captain in      16 the -- he was in the kitchen.      17 Q. Okay.      18 A. He was supervising the kitchen and the      19 floor sometimes.      20 Q. Would the major supervise the captain?      21 A. Yeah.      22 Q. I'm trying to think of the chain of      23 command.      24 A. Yeah. He's -- the major supervised the      25 captain.</p>
<b>Page 31</b>	<b>Page 33</b>
<p>1 Q. Okay. Now didn't you also have a deputy      2 warden?      3 A. Correct. Still does.      4 Q. And who is the deputy warden now?      5 A. Now, Cassandra Robinson.      6 Q. And has she always been the deputy warden?      7 A. No. She came in '24.      8 Q. '24. Prior to Cassandra Robinson, who was      9 the deputy warden?      10 A. Brenda Doss. Brenda Doss.      11 Q. When was she deputy warden?      12 A. Oh, that was under Sheriff Walker's      13 administration. I can't answer that one, but she      14 retired.      15 Q. Well, basically under your -- the time      16 you've been there.      17 A. From 2020 to the end -- I think the last      18 day -- her last day I think was the 22nd, 22nd of      19 December of '23.      20 Q. Okay. And up under the -- who's the next      21 person down below the deputy warden?      22 A. You have lieutenant -- no, I'm sorry.      23 Major.      24 Q. Major? And below the major?      25 A. Would be lieutenant.</p>	<p>1 Q. Now, did you have sergeants who were below      2 the lieutenant?      3 A. Correct.      4 Q. And did the lieutenant supervise the      5 sergeants?      6 A. Correct.      7 Q. And the captain supervised the lieutenant?      8 A. Correct.      9 Q. And the major supervised --      10 A. The captain.      11 Q. -- the captain? Now, would the deputy      12 warden supervise?      13 A. Deputy warden was under -- was under the      14 warden.      15 Q. The warden?      16 A. Right.      17 Q. Okay.      18 A. She had say just like the warden had.      19 Q. Okay.      20 A. But the warden was still the head.      21 Q. Okay. Your command staff, would that be      22 your warden, a deputy warden?      23 A. Yes.      24 Q. And who did you have in charge of running      25 the correctional facility?</p>

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<p>1 A. Warden Kaho, Clifton Kaho.      2 Q. Clifton Kaho. And how long was he the      3 warden when you were --      4 A. I took off in 2020, but he was the warden      5 before --      6 Q. No, no. I'm just -- your term of office.      7 A. 2020 until he left in December or      8 sometime. I don't really know when he left,      9 because he didn't give me a notification what date      10 it was, and I was getting ready for my sister's      11 funeral when I got the news that he had left.      12 Q. In December 2023?      13 A. 23. So what day exactly it was, I'd have      14 to look at my sister's obituary to tell you that.      15 THE COURT REPORTER: His name was      16 Cato?      17 MR. CARPENTER: K-H-O-E (sic).      18 THE COURT REPORTER: Thank you.      19 MR. CARPENTER: You're welcome.      20 MR. RHODES: I'll have this marked as      21 the next exhibit.      22 (EXHIBIT 2 MARKED FOR THE RECORD.)      23 MR. CARPENTER: That's from your      24 employee handbook.      25</p>	<p>1 I'm going to put them right there for us.      2 MR. RHODES: Okay.      3 MR. CARPENTER: Yeah. I see it.      4 BY MR. RHODES:      5 Q. Do you recognize Exhibit 3 as part of the      6 equal opportunity policy for the --      7 A. I do.      8 Q. -- correctional facility?      9 A. I do. This should be -- the exhibit in      10 the handbook should be K and L, or something like      11 that, in the handbook.      12 Q. Okay. And you already testified that you      13 know Ms. Carolyn Smith.      14 A. I do.      15 Q. And do you recall Ms. Carolyn Smith      16 working at the correctional facility during Sheriff      17 Peter Walker's term?      18 A. I do.      19 Q. Did you and her work together?      20 A. Not really. I mean, she was an employee,      21 and I was an employee of the sheriff's department.      22 Q. Now, I was about to ask. When Peter --      23 Sheriff Peter Walker was the sheriff, were you --      24 did you work on the correctional facility side or      25 the sheriff's side?</p>
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<p>1 BY MR. RHODES:      2 Q. Sheriff Bailey, do you recognize that as      3 part of the general policy for the correctional      4 facility on employment?      5 A. Sure.      6 Q. And under number 2 on Political or      7 Religious Beliefs Activity, was it part of the      8 policy that there would be no discrimination      9 exercised, threatened, or promised in favor of any      10 applicant or competitor or employee because of his      11 political opinions or affiliations?      12 A. Right. That's exhibit -- in the handbook,      13 it would be Exhibit J. Correct.      14 MR. CARPENTER: Going to have this      15 marked as the next -- that's Exhibit 3?      16 MR. CARPENTER: Yeah. Correct.      17 (EXHIBIT 3 MARKED FOR THE RECORD.)      18 BY MR. RHODES:      19 Q. Sheriff Bailey, I'm handing you what --      20 MR. CARPENTER: Yeah. I've got one.      21 MR. RHODES: Don't have those marked.      22 MR. CARPENTER: But one of them isn't      23 and one and two is.      24 MR. RHODES: Yeah.      25 MR. CARPENTER: You got it. Yeah.</p>	<p>1 A. Sheriff's side. I was a deputy.      2 Q. You were a deputy?      3 A. Right.      4 Q. And Ms. Smith worked on the --      5 A. Correct.      6 Q. -- correctional facility side?      7 A. Correct.      8 Q. Did you-all ever interact?      9 A. Oh, yeah. They're my coworkers.      10 Q. And how did y'all get along?      11 A. Great.      12 Q. Okay. While Sheriff Peter Walker was the      13 sheriff, did you ever supervise Ms. Smith?      14 A. No.      15 Q. You ran for sheriff in 2019, first time?      16 A. Correct.      17 Q. And you had all employees of the      18 correctional facility to reapply?      19 A. Correct. And the sheriff's department.      20 Q. And the sheriff's department?      21 A. Correct.      22 Q. And do you recall Ms. Smith reapplying?      23 A. She did.      24 Q. And was she hired in 2019?      25 A. Yes, she was.</p>

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<p>1       Q. Why did you hire her in 2019?</p> <p>2       A. Because I didn't know much about</p> <p>3       correctional, and people there had been there for a</p> <p>4       while, and I'm sure that they knew what their job</p> <p>5       consists of, the job capacity.</p> <p>6       Q. Did you have any reason not to hire her as</p> <p>7       a correction officer in 2019?</p> <p>8       A. Not during that time, no.</p> <p>9       Q. Do you know what rank she had?</p> <p>10      A. As far as I knew, she was lieutenant at</p> <p>11      the time, I think. She was lieutenant when I came.</p> <p>12      Q. And did you run for reelection again in</p> <p>13      2023?</p> <p>14      A. Correct.</p> <p>15      Q. And did you run in the Democratic primary?</p> <p>16      A. I did.</p> <p>17      Q. And in the primary, how many people were</p> <p>18      running?</p> <p>19      A. It was three.</p> <p>20      Q. Who were the three?</p> <p>21      A. Derrick Stampley, Sean Jones, and myself.</p> <p>22      Q. And did you know that Mr. Stampley was a</p> <p>23      brother of Ms. Smith?</p> <p>24      A. Yes. I knew that. Had the same father.</p> <p>25      Q. And did you know that Ms. Smith and Sean</p>	<p>1       running for sheriff in 2019?</p> <p>2       A. I was kind of shocked when he told me</p> <p>3       don't be telling nobody he going to drop out. And</p> <p>4       I'm like, You done qualified? Yes, I done</p> <p>5       qualified, but I don't know what I'm going to do</p> <p>6       yet.</p> <p>7       'Cause, see, I supposed to of ran four</p> <p>8       years before that, and he came back to me, said he</p> <p>9       needed another term. So I pulled out. And after</p> <p>10      me and him had this conversation -- that was back</p> <p>11      before '19 now, four years before that.</p> <p>12      Q. Back in 2015 --</p> <p>13      A. I was supposed to have ran then.</p> <p>14      Q. Well, but did you qualify?</p> <p>15      A. No. I didn't qualify, 'cause he came to</p> <p>16      me and said that he needed another term.</p> <p>17      Q. Okay. So in 2015, you and Sheriff Walker</p> <p>18      had the conversation --</p> <p>19      A. Correct.</p> <p>20      Q. -- about your running?</p> <p>21      A. Right.</p> <p>22      Q. Did he tell you back in 2015 he was going</p> <p>23      to retire?</p> <p>24      A. He did. He even spoke at my family</p> <p>25      reunion. I had a family reunion at my house. He</p>
Page 39	Page 41
<p>1       Jones had worked together?</p> <p>2       A. Yeah. Sean -- when the facility first</p> <p>3       opened up, Sean was one of their -- the hires,</p> <p>4       because they loaded up right out here and went to</p> <p>5       Parchman for their training. The bus picked them</p> <p>6       up right here in front of the courthouse on the</p> <p>7       square.</p> <p>8       Q. Back in?</p> <p>9       A. '97.</p> <p>10      Q. '97. So you know Sean Jones had worked at</p> <p>11      the correctional facility back -- as far back as</p> <p>12      '97?</p> <p>13      A. '97, and he left there and went to the</p> <p>14      state troopers.</p> <p>15      Q. Do you recall when it was he became a</p> <p>16      state trooper?</p> <p>17      A. I do not.</p> <p>18      Q. Ms. Smith, do you recall how far back it</p> <p>19      was she was working at the correctional facility?</p> <p>20      A. I think she might have been in '05, '06,</p> <p>21      '07, somewhere in that area.</p> <p>22      Q. Okay. You said when you met with Sheriff</p> <p>23      Walker about him running for sheriff, and he asked</p> <p>24      you don't tell anybody that he was pulling out, and</p> <p>25      you told him that you had, what, spent about \$3,500</p>	<p>1       told my family that he was -- this is going to be</p> <p>2       y'all's next sheriff.</p> <p>3       Q. Okay. And he didn't retire in 2015?</p> <p>4       A. And so, I didn't put my name on the hat --</p> <p>5       in the hat.</p> <p>6       Q. Then in 2019, you-all had the conversation</p> <p>7       again?</p> <p>8       A. January 17th, coming out of Natchez, he</p> <p>9       told me, Start getting out there. Don't wait till</p> <p>10      the last minute. Two and a half years will be here</p> <p>11      before you know it, and you need to start hitting</p> <p>12      churches and letting people know you're going to</p> <p>13      run. I said, You not running? He said, Nope, I'm</p> <p>14      not running.</p> <p>15      Q. And how did that make you feel when he</p> <p>16      wouldn't back out in 2019?</p> <p>17      A. It kind of knocked me off my feet because,</p> <p>18      you know, I've been there for him. I've been his</p> <p>19      right-hand man. I had his back the whole time.</p> <p>20      And then when -- by him telling me that --</p> <p>21      back in January of 2017 that he wasn't going to</p> <p>22      run, told me to start getting out there, when in</p> <p>23      January of '19, I can't even qualify. I</p> <p>24      registered, signed up, and never called to check</p> <p>25      the circuit court's office anymore to see who had</p>

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<p>1 qualified, because I wanted to stay focused on me.      2 No one else; just me.      3 Q. And you didn't like it that he didn't      4 support you for sheriff in 2019?      5 A. No, 'cause he was running.      6 Q. And do you recall campaigning for sheriff      7 at an event in Union Church?      8 A. They had a -- they had a -- they had a --      9 MR. CARPENTER: Just to quantify,      10 what year?      11 MR. RHODES: I'm sorry, I'm sorry.      12 You're right. 2023.      13 MR. CARPENTER: Got it.      14 THE WITNESS: They had a -- they had      15 a -- they had a meet and greet the      16 candidates.      17 BY MR. RHODES:      18 Q. And do you recall Ms. Carolyn Smith being      19 at that meeting to meet the candidates?      20 A. She was there.      21 Q. And do you know that she's also an elected      22 official in Jefferson County?      23 A. Sure. She school board. I support her.      24 Q. You support her for the school board?      25 A. Yeah. She was -- she in my district.</p>	<p>1 because I didn't think that was quite --      2 do you want to go ahead, Carroll? I'm      3 sorry. I just want to make sure you got      4 your question answered.      5 MR. RHODES: Yeah, yeah.      6 BY MR. RHODES:      7 Q. I was asking: Do you recall her asking      8 the supervisors a question about what they were      9 going to do about --      10 A. The facility.      11 Q. Yeah.      12 A. Oh, okay. Yeah. She mentioned something      13 about that, but I don't know what she meant about      14 it.      15 Q. Okay.      16 A. Okay. Yeah.      17 MR. CARPENTER: Okay.      18 BY MR. RHODES:      19 Q. And you said employees are confused?      20 A. Yeah.      21 Q. Did you consider her being one of those      22 confused employees?      23 A. Well, a lot of them -- a lot of them keep      24 saying that they was a county employee. I keep      25 saying y'all are not a county employee.</p>
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<p>1 Q. Okay. And do you recall when it was      2 about -- was it June, July when they had that meet      3 and greet in --      4 A. I really don't --      5 Q. -- Union Church?      6 A. I don't want to tell you nothing concrete.      7 I really don't know, because they had several.      8 Q. And do you recall candidates for sheriff      9 at that meet and greet?      10 A. I know Derrick Stampley was there. Yeah.      11 And Sean Jones was there.      12 Q. Okay.      13 A. And some of the supervisors were there.      14 Q. And do you recall Carolyn Smith asking      15 questions to the supervisors about what they were      16 going to do about the correctional facility?      17 A. She made some -- some type of statement,      18 but a lot of my employees was confused because they      19 think they county employees, and they not. They      20 work for the facility. They're not county      21 employees. The county just cut their checks.      22 MR. CARPENTER: Did you understand      23 this question?      24 THE WITNESS: No.      25 MR. CARPENTER: Go ahead. I'm sorry</p>	<p>1 Q. Was Ms. Smith one of the ones that --      2 A. Yeah. She was one of them. Yeah. She --      3 Q. Okay. So you would consider her being      4 confused?      5 A. Confused.      6 Q. Let me ask about the other plaintiffs. Do      7 you know Shaquita McComb?      8 A. I do.      9 Q. Was she one of those employees that was      10 confused about being a county employee?      11 A. I really didn't talk to 'Quita too much.      12 Q. What about Bonita Blake?      13 A. I really didn't talk to her too much.      14 Q. Sandra Sanders?      15 A. I would see Sandra Sanders when I'd go      16 over there. She would come up to me sometimes,      17 but . . .      18 Q. Do you know if she was confused --      19 A. I don't --      20 Q. -- about being a county employee?      21 A. She never came to me.      22 Q. And James Ellis, Jr.?      23 A. Never came to me.      24 Q. And you said a lot of the correctional      25 facility employees --</p>

12 (Pages 42 to 45)

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<p>1       A. Well, some of them, you know, but neither 2       one of those.</p> <p>3       Q. Except for --</p> <p>4       A. Carolyn.</p> <p>5       Q. Except for Carolyn. Okay. How did that 6       make you feel when she was asking the question 7       about supervisors, about what they're going to do 8       about the correctional facility?</p> <p>9       A. It didn't -- it didn't harm me at all, I 10      mean, because the supervisors don't have anything 11      to do with the facility. And I was trying to -- 12      and like Mr. King said, they don't have anything to 13      do with it because they don't have anything to do 14      with it. It's just accountability now, because 15      they paid for it, but they don't have any say over 16      it.</p> <p>17       Q. Did you -- you and Sean Jones were in the 18      runoff --</p> <p>19       A. Correct.</p> <p>20       Q. -- in 2023?</p> <p>21       A. Correct.</p> <p>22       Q. Do you recall when that runoff was?</p> <p>23       A. I think it -- I think it was around the 24      27th or 28th of August.</p> <p>25       Q. And you won the runoff?</p>	<p>1       facility?</p> <p>2       A. Correct.</p> <p>3       Q. And why did you send this letter to all 4       your employees?</p> <p>5       A. Because positions might be coming 6       available. Some may be retiring, and it did -- 7       some did retire, and some may want to apply for a 8       position that may be available. That's why I said 9       all positions is available.</p> <p>10       Q. But all the employees had to reapply?</p> <p>11       A. Correct.</p> <p>12       Q. And if people were retiring, only those 13       positions were vacant; is that true?</p> <p>14       A. That's true, but I think we had a 15       lieutenant slot, might have been. Might have been. 16       I don't know. I have to -- I know... .</p> <p>17       Q. How many employees were retiring?</p> <p>18       A. You had Warden Kaho retired; deputy warden 19       retired; jail administrator, Sharon Rankin, 20       retired; nurse retired; and the captain retired. 21       Five of them retired.</p> <p>22       Q. So why would the regular correctional 23       officers or Lieutenant Smith have to reapply if 24       they were satisfied with the positions they had?</p> <p>25       A. Because I'm going to -- I'm going into a</p>
<p style="text-align: center;">Page 47</p> <p>1       A. I did.</p> <p>2       Q. Did you have any opposition in the general 3       election?</p> <p>4       A. No. That was it.</p> <p>5       Q. Once you won the runoff, you knew you were 6       going to be sheriff?</p> <p>7       A. That's it.</p> <p>8       MR. RHODES: Just mark it as we go, 9       but, yeah, that's no problem. No 10       objection to introduction. Got it.</p> <p>11       (EXHIBIT 4 MARKED FOR THE RECORD.)</p> <p>12       BY MR. RHODES:</p> <p>13       Q. Sheriff, why don't you just take a moment 14       and look over that letter, because I'm asking you a 15       few questions about it.</p> <p>16       A. (Witness reviews document.) Okay.</p> <p>17       Q. Is that your signature on that?</p> <p>18       A. That's it.</p> <p>19       Q. Do you recall sending that letter to all 20       your --</p> <p>21       A. All my employees.</p> <p>22       Q. Again, when you say all employees, you 23       mean --</p> <p>24       A. Sheriff's department and --</p> <p>25       Q. Sheriff's department and correctional</p>	<p style="text-align: center;">Page 49</p> <p>1       new term.</p> <p>2       Q. So you make all employees reapply?</p> <p>3       A. Uh-huh. (Affirmative response.) Reapply.</p> <p>4       Q. Was that a yes?</p> <p>5       A. Say it again.</p> <p>6       Q. Was that yes?</p> <p>7       A. Yes.</p> <p>8       Q. Okay. Did you have interviews with all 9       the employees?</p> <p>10       A. I did.</p> <p>11       Q. In those interviews, were they one-on-one 12       interviews?</p> <p>13       A. Correct.</p> <p>14       Q. And where were those interviews held?</p> <p>15       A. In my office.</p> <p>16       Q. At the sheriff's?</p> <p>17       A. Correct.</p> <p>18       Q. Now, the correctional facility and the 19       sheriff's office are not in the same building, are 20       they?</p> <p>21       A. No, but the same umbrella.</p> <p>22       Q. But they're not in the same building?</p> <p>23       A. No.</p> <p>24       Q. And the sheriff's office is in the 25       building where the county jail and the deputies</p>

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<p>1       are?</p> <p>2       A. Correct.</p> <p>3       Q. The correctional facility is in a separate</p> <p>4       building?</p> <p>5       A. Correct.</p> <p>6       Q. Now, the correctional facility employees,</p> <p>7       did they have to come to the sheriff's office in</p> <p>8       order to be interviewed?</p> <p>9       A. Correct.</p> <p>10      Q. You did not go to the correctional</p> <p>11      facility?</p> <p>12      A. I did not.</p> <p>13      Q. And the warden was not involved in</p> <p>14      interviewing any of the --</p> <p>15      A. No.</p> <p>16      Q. -- correctional facility's --</p> <p>17      A. No.</p> <p>18      Q. -- employees?</p> <p>19      A. No.</p> <p>20      Q. And the correctional facility's employees</p> <p>21      do not wear the title of deputy, do they?</p> <p>22      A. They do not.</p> <p>23      Q. And under state law, the sheriff can hire</p> <p>24      and fire all deputies; is that correct?</p> <p>25      A. Correct.</p>	<p>1       Q. If there were employees in that meeting</p> <p>2       and they say they heard you ask them to vote for</p> <p>3       them (sic) and support them (sic), then you're</p> <p>4       saying that those employees would be lying?</p> <p>5       A. Correct.</p> <p>6           MR. CARPENTER: Objection to</p> <p>7           characterization.</p> <p>8       BY MR. RHODES:</p> <p>9           Q. Then you would say those employees would</p> <p>10      be lying?</p> <p>11      A. That's not true. I didn't make that</p> <p>12      statement.</p> <p>13      Q. How many meetings did you have with</p> <p>14      employees of the correctional?</p> <p>15      A. Two.</p> <p>16      Q. And when were those meetings held?</p> <p>17      A. I had one in June of '23 -- no. I'm</p> <p>18      sorry. June of 2020. And I had the other one in</p> <p>19      June of '23.</p> <p>20      Q. So I'm asking about the meeting in June of</p> <p>21      2023.</p> <p>22      A. Okay.</p> <p>23      Q. Did you ask the employees to support you?</p> <p>24      A. I did not.</p> <p>25      Q. Did you ask the employees to vote for you?</p>
<p>1       Q. But correction facility employees are not</p> <p>2       deputies?</p> <p>3       A. They're not deputies, but I'm still the</p> <p>4       CEO of it. So I still can do that.</p> <p>5       Q. But they're not deputies?</p> <p>6       A. They're not deputies.</p> <p>7       Q. Their uniform doesn't say deputy sheriff?</p> <p>8       A. No.</p> <p>9       Q. Do you recall having a meeting during the</p> <p>10      election with all the correctional facility</p> <p>11      employees and deputies and telling the employees</p> <p>12      that you needed them to vote for you and support</p> <p>13      you?</p> <p>14      A. That's not true.</p> <p>15      Q. Why? Tell me what's not true about it.</p> <p>16      A. Asking anyone on the site to support me in</p> <p>17      my election, not true. That's against the</p> <p>18      handbook.</p> <p>19      Q. If there are employees who say they were</p> <p>20      in that meeting --</p> <p>21      A. Yeah, but that wasn't what the meeting was</p> <p>22      about.</p> <p>23           MR. CARPENTER: He's not finished his</p> <p>24           question.</p> <p>25       BY MR. RHODES:</p>	<p>1       A. I did not.</p> <p>2       Q. Did you tell the employees that you had</p> <p>3       their back, and they should have yours?</p> <p>4       A. I did not.</p> <p>5       Q. And if any of the employees who attended</p> <p>6       that meeting in June of 2023 say you said that,</p> <p>7       then they would be lying?</p> <p>8           MR. CARPENTER: Same objection. You</p> <p>9           can answer. This is discovery, but I'm</p> <p>10          just noting it for the record.</p> <p>11          THE WITNESS: That's not true. I</p> <p>12          didn't make that statement.</p> <p>13       BY MR. RHODES:</p> <p>14      Q. Okay. The employees would be lying?</p> <p>15      A. Correct.</p> <p>16           MR. CARPENTER: Same objection.</p> <p>17       BY MR. RHODES:</p> <p>18      Q. Was Clifton Kaho in that meeting?</p> <p>19      A. He was. He was there. Major Felton was</p> <p>20      there. Kenyatta Colenberg was there. Debbie Mims</p> <p>21      was there. Ralph Mims was there. And Terry Ware</p> <p>22      was there.</p> <p>23      Q. Carolyn Smith was there?</p> <p>24      A. Sure, she was there.</p> <p>25      Q. Shaquita McComb was there?</p>

14 (Pages 50 to 53)

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<p>1 A. Sure. It was a mandatory meeting.      2 Q. Bonita Blake was there?      3 A. I'm going to say yes.      4 Q. Sandra Sanders was there?      5 A. Yes.      6 Q. James Ellis, Jr., was there?      7 A. Yes.      8 Q. How many people were there total?      9 A. That I don't know, 'cause I think it's,      10 like, 40-something employees I have over there. I      11 think right now I have like 40, 44 employees over      12 there. Altogether at one time I had, like, 68      13 employees on both sides.      14 Q. Okay. But I meant back in June of 2023.      15 A. I don't know how many.      16 Q. Why was the meeting a mandatory meeting?      17 A. Because I was so happy that I had got my      18 per diem up on my inmates from -- from -- it was      19 \$24 and some cents, and they gave me \$1.26 raise.      20 I didn't get a raise then.      21 So back in June, we met with the      22 commission and all and were going back and forth to      23 the Capitol, and they gave me an increase. So they      24 got me up to 31.12.      25 And I was so happy to be able to tell my</p>	<p>1 Q. In 2023, did you put out notice that you      2 were hiring?      3 A. No. But I had everybody do a new      4 application.      5 (EXHIBIT 5 MARKED FOR THE RECORD.)      6 BY MR. RHODES:      7 Q. I'm going to ask you: Do you recognize      8 that advertisement?      9 A. I didn't put this out. The warden might      10 have put it out. I didn't put this out.      11 Q. Okay. How do you -- do you know the      12 warden put it out?      13 A. This is my first time seeing this.      14 Q. Could the warden put something out without      15 your approval?      16 A. Sometimes.      17 Q. What could the warden put out without your      18 approval?      19 A. Well, one time he put out a -- I went over      20 there, and he put -- had a memo out saying no      21 political literature at the facility.      22 Q. And which --      23 A. And I --      24 Q. And which -- was that Warden Kaho?      25 A. Correct.</p>
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<p>1 employees because I told my employees that I was      2 going to try to get them an increase.      3 Q. Now, you said sheriff deputies were there?      4 A. No. Sheriff deputies weren't there.      5 Q. They weren't there at that meeting?      6 A. No.      7 Q. Only the correctional?      8 A. Correct.      9 Q. Where was the meeting held?      10 A. In the lobby.      11 Q. Lobby where?      12 A. At the sheriff's office -- I mean, not      13 sheriff. In the correction -- in the facility.      14 Q. Let me ask you: Back in 2020, did you put      15 out any sort of notice or anything that you were      16 hiring?      17 A. At the facility?      18 Q. Yes.      19 A. No.      20 Q. And in 2020, did you require all employees      21 to reapply?      22 A. I did.      23 Q. But you did not put out any notice or      24 anything that you were hiring?      25 A. No, I didn't.</p>	<p>1 Q. When was that?      2 A. That was done in '23, and I wondered what      3 it was about, why'd he put it up. I never      4 questioned him during the time, but I seen later on      5 that one of my employee's husband comes out in a      6 pickup sometime with a sign.      7 Q. Now -- and this --      8 MR. CARPENTER: Off the record for a      9 second.      10 (OFF THE RECORD.)      11 BY MR. RHODES:      12 Q. You said in 2023, Warden Kaho put      13 something else out?      14 A. Yeah. They -- they put things out      15 sometime. He was running it. You know what I      16 mean? He was -- let me see.      17 He was the warden, so if he sees something      18 that's going wrong, he had the ability -- well, I'm      19 going to say his authority to put up or take action      20 on whatever need to be take action on because he      21 was the warden.      22 Q. Okay. So if he saw that there were      23 political advertisements out at the correctional      24 facility, he had the authority to go ahead and put      25 something out on it?</p>

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<p>1 A. Correct.</p> <p>2 Q. And if he thought that there were going to 3 be vacancies for correction officers, sergeants and 4 lieutenants, he had the authority to go ahead and 5 advertise for it?</p> <p>6 A. That he -- that, he would probably run by 7 me. A lot of them who retired on me didn't mention 8 anything until later. Like I say, the warden, he 9 never told me that he was leaving.</p> <p>10 Q. Now, do you recall having a meeting with 11 Carolyn Smith where you asked Carolyn Smith who was 12 she going to vote for?</p> <p>13 A. No, I didn't.</p> <p>14 Q. Do you recall having to meet with Carolyn 15 Smith asking her if she was going to vote for you?</p> <p>16 A. No.</p> <p>17 Q. Do you recall having a meeting with 18 Carolyn Smith telling her that you needed her 19 support?</p> <p>20 A. No.</p> <p>21 Q. Do you recall Carolyn Smith telling you 22 that who she voted for was a private matter, and 23 you-all shouldn't be discussing that at the 24 correctional facility?</p> <p>25 A. I never knewed that she were even playing</p>	<p>1 A. That's mine.</p> <p>2 Q. If you turn three pages up, I ask you do 3 you recognize that signature?</p> <p>4 MR. CARPENTER: You mean declaration 5 page?</p> <p>6 MR. RHODES: No. The declaration is 7 the last page.</p> <p>8 MR. CARPENTER: Okay. And so, you're 9 referring to the signature block?</p> <p>10 MR. RHODES: Yes.</p> <p>11 MR. CARPENTER: Okay. So he's 12 referring to this page right here. Well, 13 keep going. There we go.</p> <p>14 BY MR. RHODES:</p> <p>15 Q. Let me start back over. The last page, 16 you recognize that? You said that's your 17 signature, right?</p> <p>18 A. Correct.</p> <p>19 Q. Turn back those three other pages. You 20 see the signature block? Do you recognize your 21 signature on that page?</p> <p>22 A. Correct.</p> <p>23 Q. And so, you signed these answers to 24 interrogatories?</p> <p>25 A. (No verbal response.)</p>
<p>1 a part in political. So I never asked her that.</p> <p>2 Q. Do you recall seeing Ms. Carolyn Smith and 3 Sean Jones and Sheriff Patten from Adams County at 4 an event?</p> <p>5 A. No.</p> <p>6 Q. And do you recall talking to Ms. Smith 7 about her being with Sheriff Jones?</p> <p>8 A. Being with who?</p> <p>9 Q. Sheriff Jones, at that event?</p> <p>10 MR. CARPENTER: Being with Patten --</p> <p>11 MR. RHODES: Being with Sean Jones.</p> <p>12 MR. CARPENTER: There you go. Yeah.</p> <p>13 BY MR. RHODES:</p> <p>14 Q. Sean Jones?</p> <p>15 A. No. I ain't nobody -- I ain't never said 16 anything about that.</p> <p>17 Q. Let me turn you a copy of -- let me get 18 that marked.</p> <p>19 MR. CARPENTER: That'll be 6.</p> <p>20 (EXHIBIT 6 MARKED FOR THE RECORD.)</p> <p>21 BY MR. RHODES:</p> <p>22 Q. Now, I'm going to ask you, if you don't -- 23 if you don't mind, if you could turn to the last 24 page, and I ask you if you recognize that 25 signature.</p>	<p>1 Q. If you turn to the first page, it'll tell 2 you what they are.</p> <p>3 A. (Talking to self.) Yes. This is -- yes.</p> <p>4 Q. Okay. On the first page, the 5 Interrogatory 1 asks about anybody that you knew or 6 believed to have knowledge or discoverable 7 information related to the complaint or answer. 8 And you listed Carolyn Smith, Sheriff James E. 9 Bailey, Warden Clifton Kaho, and Warden Felton as 10 the people that you knew that had knowledge about 11 this -- about the lawsuit, in your answer.</p> <p>12 MR. CARPENTER: Objection. That's 13 not quite, but it's close enough. You can 14 answer the question.</p> <p>15 THE WITNESS: I'm assuming he did 16 because he was the warden.</p> <p>17 BY MR. RHODES:</p> <p>18 Q. Oh, no. What I'm trying to find out: Are 19 these all -- the only people you're saying that 20 have knowledge about it?</p> <p>21 A. Oh, no, no. I have more.</p> <p>22 Q. Okay. That's -- that's what I want to 23 find -- I don't want to find out at trial.</p> <p>24 A. Right. I have more than the ones I just 25 named.</p>

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<p>1           MR. CARPENTER: Yeah.</p> <p>2   BY MR. RHODES:</p> <p>3       Q. All right. I want to hear those names.</p> <p>4       A. Okay. You got Warden Felton, Henry</p> <p>5       Felton.</p> <p>6       Q. I think Warden Felton might have been --</p> <p>7           MR. CARPENTER: He's listed.</p> <p>8       THE WITNESS: He's listed? You got</p> <p>9       Terry Ware.</p> <p>10      BY MR. RHODES:</p> <p>11       Q. Tell me what Terry Ware know.</p> <p>12       A. He knows that I didn't mention that --</p> <p>13       about in the meeting, the mandatory meetings I had</p> <p>14       to announce that they were going to be getting an</p> <p>15       increase in pay come October 1. That's what that</p> <p>16       meeting was about.</p> <p>17       He knows that -- he was there, and he</p> <p>18       knows that I didn't act openly -- to ask any of my</p> <p>19       employees at that meeting to support me in my</p> <p>20       election, which I did not do. Same thing for</p> <p>21       Kenyatta Colenberg. She can attest to that I did</p> <p>22       not ask that in an open meeting.</p> <p>23       Ms. Debbie Mims, she can attest that I did</p> <p>24       not ask anyone to support me in that meeting. You</p> <p>25       have Ralph Mims. He can attest to that, that I</p>	<p>1       Q. And if you turn over to Interrogatory</p> <p>2       Number 7, I'm going to ask you: Did any of -- did</p> <p>3       either Ms. Carolyn Smith, Shaquita McComb, Bonita</p> <p>4       Blake, Sandra Sanders, or James Ellis ever make any</p> <p>5       statements to you basically stating that you did</p> <p>6       not ask them to support you?</p> <p>7       A. I didn't ask any of my employees to</p> <p>8       support me.</p> <p>9       Q. Okay. You didn't ask Shaquita McComb?</p> <p>10      A. No, I did not.</p> <p>11      Q. You didn't ask Bonita Blake?</p> <p>12      A. I did not.</p> <p>13      Q. You didn't ask Sandra Sanders?</p> <p>14      A. Did not.</p> <p>15      Q. You didn't ask James Ellis, Jr.?</p> <p>16      A. I did not.</p> <p>17      Q. And you didn't ask Carolyn Smith?</p> <p>18      A. I did not.</p> <p>19      Q. Did you call Bonita Blake about Sean Jones</p> <p>20      supposedly pumping or paying for her gas illegally?</p> <p>21      A. No. I didn't call her.</p> <p>22      Q. Did you talk to her about Sean Jones</p> <p>23      supposedly paying for her gas illegally?</p> <p>24      A. There's a conversation came up dealing</p> <p>25      with -- about the letter that the warden had put up</p>
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<p>1       didn't ask no one to support me in that meeting.</p> <p>2       That meeting was all about the increase in pay.</p> <p>3       Q. Now, I'm going to ask you, why you had 30</p> <p>4       days after these were served on you to list all</p> <p>5       those people you just listed that had knowledge,</p> <p>6       you didn't list a one of them in your answers that</p> <p>7       you swore an answer to that all this was true and</p> <p>8       correct. Why didn't you do it back then?</p> <p>9       A. Not sure.</p> <p>10      MR. CARPENTER: Off the record.</p> <p>11      (OFF THE RECORD.)</p> <p>12      BY MR. RHODES:</p> <p>13       Q. Anybody else?</p> <p>14       A. I've been trying to think some more</p> <p>15       because they -- they -- they ship out. They --</p> <p>16       they in and out. You know, the employees are just</p> <p>17       in and out of that facility, but those I know was</p> <p>18       there at that meeting.</p> <p>19       Q. But it was a mandatory meeting?</p> <p>20       A. Yes. A mandatory meeting to give them the</p> <p>21       good word.</p> <p>22       Q. And it might have been between 60 and 80</p> <p>23       people there?</p> <p>24       A. However many was hired at the facility</p> <p>25       during that time.</p>	<p>1       about no campaign literature on the grounds or</p> <p>2       nothing -- anything dealing with that effect.</p> <p>3       And the conversation came up about that</p> <p>4       he'd be at the Shell station, and he'd pump</p> <p>5       people's gas. And I told her, That's nice. I</p> <p>6       heard he pumped yours.</p> <p>7       Q. Okay. You said a conversation came up?</p> <p>8       A. Yeah.</p> <p>9       Q. And that conversation came up with</p> <p>10      Ms. Blake?</p> <p>11      A. Blake, right.</p> <p>12      Q. And when was that conversation?</p> <p>13      A. I don't know when it was.</p> <p>14      Q. Where were you-all when that conversation</p> <p>15      came up?</p> <p>16      A. Uptown somewhere. I can't really recall.</p> <p>17      I know it wasn't on the premises.</p> <p>18      Q. And you told Ms. Blake that you had heard</p> <p>19      that he pumped her gas?</p> <p>20      A. Yeah. I told her nice, that was nice of</p> <p>21      him, because he'd been up at that Shell station up</p> <p>22      there pumping gas for a lot of people.</p> <p>23      Q. Okay. Did you tell her you had heard that</p> <p>24      he was pumping gas -- he was paying for people's</p> <p>25      gas?</p>

17 (Pages 62 to 65)

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<p>1        A. No. I don't know if he was paying      2        people's gas or not. I didn't see that. I didn't      3        see that. I just heard someone say -- they said      4        he's up there pumping their gas. I didn't see it      5        with my own eyes.</p> <p>6        Q. Who did you hear it from?</p> <p>7        A. I don't know who I heard it from. People      8        saying that he'd be at the Shell station pumping      9        people's gas.</p> <p>10      Q. When you say "people," that's more than      11     one person.</p> <p>12      A. Right.</p> <p>13      Q. So --</p> <p>14      A. What I mean by people, he'd be at the      15     Shell station, and he pumping --</p> <p>16      Q. Did more than one person tell you that?</p> <p>17      A. No. That was just one person told me      18     that, but who it was, I don't know.</p> <p>19      Q. What did Ms. Blake say in response?</p> <p>20      A. Yeah, he pumped my gas. I said -- I said,      21     that was nice of him. And that was it.</p> <p>22      Q. Now, you don't have any written reprimands      23     or warnings in Ms. Carolyn Smith's personnel file,      24     do you, that you've done?</p> <p>25      A. No.</p>	<p>1        A. I don't know if they did one on her or      2        not, but it was an incident that happened, and they      3        did an interview with her, and it should have been      4        something in her file. I wasn't in the interview.      5        I was not in the interview. Ms. Smith was in that      6        interview. Warden Kaho was in the interview.</p> <p>7        Q. But do you know if there's any written      8        warning or reprimand?</p> <p>9        A. No.</p> <p>10      Q. And do you know if there's a written      11     warning of reprimand from you in the personnel file      12     of Shaquita McComb?</p> <p>13      A. There was one in the file on her.</p> <p>14      Q. From you?</p> <p>15      A. Not from me. From the warden there.</p> <p>16      Q. Now, I want you to turn Interrogatory      17     Number 15. I want you to read that interrogatory      18     out loud.</p> <p>19      A. Number 50?</p> <p>20      Q. 15.</p> <p>21      A. Oh, 15.</p> <p>22      Q. And read your answer out loud?</p> <p>23      A. 15. Sheriff Bailey and Warden Clifton      24     Kaho.</p> <p>25      Q. Interrogatory Number 15.</p>
<p style="text-align: center;">Page 67</p> <p>1        Q. You don't have any in there that the      2        warden has done?</p> <p>3        MR. CARPENTER: Objection. Which      4        warden? Because she served for 20 --      5        20 -- over 20 years.</p> <p>6        BY MR. RHODES:</p> <p>7        Q. During the time you've been -- you've been      8        sheriff.</p> <p>9        A. Okay. No.</p> <p>10      Q. Major, captain, or deputy warden, during      11     the time you've been sheriff, you don't have any --</p> <p>12      A. No.</p> <p>13      Q. -- any written reprimands or warnings?</p> <p>14      A. No.</p> <p>15      Q. You don't have any written reprimands or      16     warnings concerning Mr. James Ellis, Jr., during      17     the time you've been sheriff?</p> <p>18      A. No.</p> <p>19      Q. And you don't have any written reprimands      20     or warnings in the personnel file for Ms. Sandra      21     Sanders since the time you've been sheriff?</p> <p>22      A. No.</p> <p>23      Q. You don't have any written reprimands or      24     warnings in the file of Bonita Blake since the time      25     you've been sheriff?</p>	<p style="text-align: center;">Page 69</p> <p>1        MR. CARPENTER: He's asking about --</p> <p>2        MR. RHODES: If you'll read that out      3        loud.</p> <p>4        MR. CARPENTER: -- this question      5        right here. That.</p> <p>6        THE WITNESS: "State in specific      7        detail each written warning and reprimand      8        given to Carolyn Smith, Shaquita McComb,      9        Bonita Blake, Sandra Sanders, and James      10      Ellis concerning their respective jobs at      11      the Jefferson-Franklin Correctional      12      Facility.</p> <p>13      "Include the" -- "Include in your      14      response the date the warning was given,      15      the person giving the warning, the reason      16      the warning was given, and witnesses to      17      the warning being given."</p> <p>18      BY MR. RHODES:</p> <p>19      Q. Could you read your answer?</p> <p>20      A. Oh. Reply, give Smith --</p> <p>21      Q. No, no. Answer to number 15.</p> <p>22      MR. CARPENTER: He's talking about --</p> <p>23      MR. RHODES: Right up under there.</p> <p>24      MR. CARPENTER: -- the two lines      25      right here.</p>

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<p>1           THE WITNESS: Right here, right?</p> <p>2           MR. CARPENTER: Uh-huh. (Affirmative</p> <p>3           response.)</p> <p>4           THE WITNESS: "Other than (sic) given</p> <p>5           Smith in 2006, no written warning was</p> <p>6           provided."</p> <p>7          BY MR. RHODES:</p> <p>8          Q. So you -- when you signed your Answers to</p> <p>9           Interrogatories on March 17th of this year, you</p> <p>10          stated that other than a reprimand given to Smith</p> <p>11          in 2006, there was no warnings given to Carolyn</p> <p>12          Smith, Shaquita McComb, Bonita Blake, Sandra</p> <p>13          Sanders, or James Ellis, Jr., and that was a month</p> <p>14          ago.</p> <p>15          A. Rephrase that.</p> <p>16          Q. I'm --</p> <p>17          MR. CARPENTER: There's not a</p> <p>18          question there.</p> <p>19          BY MR. RHODES:</p> <p>20          Q. A month ago --</p> <p>21          A. Uh-huh. (Affirmative response.)</p> <p>22          Q. -- you did not say there was a warning</p> <p>23          on -- given to Shaquita McComb.</p> <p>24          A. No.</p> <p>25          Q. In that answer?</p>	<p>1           illegal anyway.</p> <p>2          Q. And when did he give her that warning?</p> <p>3          A. He -- I don't know. I'd have to look back</p> <p>4          in -- I can't keep all them dates like that now,</p> <p>5          but it should be in your file somewhere.</p> <p>6          MR. CARPENTER: I'll see if I can't</p> <p>7          find it for everybody. By the way, I got</p> <p>8          them on paper if you need them.</p> <p>9          MR. RHODES: I need his memory.</p> <p>10         MR. CARPENTER: Okay. Fair enough.</p> <p>11         All right. Yeah, because I forgot --</p> <p>12         yeah. Off the record.</p> <p>13         (OFF THE RECORD.)</p> <p>14          BY MR. RHODES:</p> <p>15          Q. Now, each one of the plaintiffs -- Carolyn</p> <p>16          Smith, Shaquita McComb, Bonita Blake, Sandra</p> <p>17          Sanders, James Ellis, Jr. -- reapplied for their</p> <p>18          positions, didn't they?</p> <p>19          A. Correct.</p> <p>20          Q. And you said you conducted interviews with</p> <p>21          them?</p> <p>22          A. I did.</p> <p>23          Q. Individual interviews?</p> <p>24          A. I did.</p> <p>25          Q. What -- when did you conduct those</p>
<p>1          A. No. Yes, yes, yes. Yeah.</p> <p>2          Q. All right. Read the answer to number 15</p> <p>3          again.</p> <p>4          A. "Other than a reprimand given to Smith in</p> <p>5          2006, no written warning was provided."</p> <p>6          Q. So in March of this year, you said no</p> <p>7          written warning was provided to Shaquita McComb.</p> <p>8          A. The warden had written her up.</p> <p>9          Q. But you did not put that in your answer to</p> <p>10         interrogatories.</p> <p>11          A. No.</p> <p>12          Q. Why not?</p> <p>13          A. Slipped my mind.</p> <p>14          Q. And you happen to remember it now?</p> <p>15          A. Yes.</p> <p>16          Q. You had 30 days to read over these and</p> <p>17         think about your answers before you answered them,</p> <p>18         didn't you?</p> <p>19          A. Yeah, but it slipped my mind.</p> <p>20          Q. What warning did the warden give Shaquita</p> <p>21         McComb?</p> <p>22          A. He reprimanded her because she came to</p> <p>23         work one day with a knife and a set of brass</p> <p>24         knuckles in there, on the grounds. You can't do</p> <p>25         that. That's a facility. And brass knuckles is</p>	<p>1          interviews?</p> <p>2          A. I had everyone to have all their</p> <p>3          applications in by December 1st.</p> <p>4          Q. Okay. And when did you --</p> <p>5          A. After that, I started interviewing because</p> <p>6          I had so many to do, plus with my work. That's</p> <p>7          when I started doing it, after the December 1st.</p> <p>8          Q. And during the interview, did you tell any</p> <p>9          employees that they'd likely be brought back or not</p> <p>10         likely to be brought back?</p> <p>11          A. Never.</p> <p>12          Q. You didn't tell that to any of the</p> <p>13         employees?</p> <p>14          A. No.</p> <p>15          MR. RHODES: I'm going to have this</p> <p>16         marked as the next exhibit number. I got</p> <p>17         to find out. I'm looking for those</p> <p>18         copies.</p> <p>19          MR. CARPENTER: What's that? If I've</p> <p>20         got it, I'll share it.</p> <p>21          MR. RHODES: Oh, I found it. I found</p> <p>22         it. Okay. Let's see. That's Exhibit 7?</p> <p>23          MR. CARPENTER: Yep, 7.</p> <p>24          (EXHIBIT 7 MARKED FOR THE RECORD.)</p> <p>25</p>

19 (Pages 70 to 73)

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<p>1 BY MR. RHODES:</p> <p>2 Q. Sheriff Bailey, I just handed you a letter</p> <p>3 you had sent to Ms. Carolyn Smith.</p> <p>4 A. Correct.</p> <p>5 Q. And it looks like it's a form letter, and</p> <p>6 it states that, "I regret to inform you after much</p> <p>7 consideration, your application for re-employment</p> <p>8 has been denied."</p> <p>9 A. Correct.</p> <p>10 Q. Will you tell us why you denied her</p> <p>11 application for re-employment?</p> <p>12 A. Well, after speaking with Ms. Smith -- and</p> <p>13 she was sitting in the office, we were talking, and</p> <p>14 she said, Sheriff, you know, in the back, the</p> <p>15 inmates be back there running wire from the</p> <p>16 microwave, charging, running wire outside the wall</p> <p>17 and paint it, and they keep throwing the breaker</p> <p>18 back there.</p> <p>19 And by her being a lieutenant, she knew</p> <p>20 this was happening, why didn't she do anything to</p> <p>21 correct it? So I asked the question, Well, how is</p> <p>22 it getting in? She go like, Sheriff Bailey, it's</p> <p>23 coming in through MAGCOR. And then she admitted we</p> <p>24 half patting them down. She can't pat them down.</p> <p>25 She is the lieutenant. She could stand there and</p>	<p>1 Q. Did you not -- so there was no CO working</p> <p>2 at the correctional facility that was rehired?</p> <p>3 A. Some of them were rehired; some of them</p> <p>4 wasn't.</p> <p>5 Q. But now, you say you believed her that</p> <p>6 inmates were running the wires and --</p> <p>7 A. She said that.</p> <p>8 Q. But you believed her?</p> <p>9 A. Yes.</p> <p>10 Q. And you used that as a grounds to</p> <p>11 terminate her.</p> <p>12 A. Yeah. Because if you knew this kind of</p> <p>13 activity was going on, what we doing to correct it?</p> <p>14 And then she also mentioned -- say, like, I'm</p> <p>15 supposed to issue out the uniforms, and I issue a</p> <p>16 uniform, and another officer go behind me and issue</p> <p>17 out a uniform, and that's not the way it's supposed</p> <p>18 to be.</p> <p>19 I said, What do y'all do to correct it?</p> <p>20 Well, it happens -- sometimes it be happening at</p> <p>21 night shift, blah, blah, blah. Correct it, because</p> <p>22 that's costing me money. It already costs me money</p> <p>23 with the MPIC -- the MAGCOR building over there.</p> <p>24 Q. When you say costing you money, you mean</p> <p>25 money out of your pocket?</p>
<p style="text-align: center;">Page 75</p> <p>1 watch the CO and the sergeant to pat them down and</p> <p>2 make sure they're doing it right.</p> <p>3 Because that is what you call protecting a</p> <p>4 county resource. If an inmate get back there and</p> <p>5 get shocked because this wire is running from a</p> <p>6 microwave to charge up a cell phone, then that</p> <p>7 could be a lawsuit.</p> <p>8 Q. Now, when she interviewed, she was a</p> <p>9 lieutenant.</p> <p>10 A. Correct.</p> <p>11 Q. And lieutenants don't pat down inmates?</p> <p>12 A. Lieutenant do. She is a female.</p> <p>13 Q. Up under lieutenants are sergeants.</p> <p>14 A. You got sergeants.</p> <p>15 Q. And up under the sergeants are officers?</p> <p>16 A. COs, correct.</p> <p>17 Q. COs.</p> <p>18 A. Correct.</p> <p>19 Q. And did you terminate all the COs who were</p> <p>20 working at the correctional facility after you say</p> <p>21 Ms. Smith told you that?</p> <p>22 A. But I haven't --</p> <p>23 Q. Did you terminate all the COs?</p> <p>24 A. I didn't terminate them. They just</p> <p>25 weren't rehired.</p>	<p style="text-align: center;">Page 77</p> <p>1 A. Out of my budget ordering more uniforms.</p> <p>2 THE COURT REPORTER: Are you saying</p> <p>3 MAGCOR?</p> <p>4 THE WITNESS: Yeah. That was a</p> <p>5 recycling place next to us. MAGCOR.</p> <p>6 THE COURT REPORTER: Okay. Thank</p> <p>7 you.</p> <p>8 BY MR. RHODES:</p> <p>9 Q. Now, I'm going to get back, though, to</p> <p>10 this earlier one about running the wires. Did you</p> <p>11 not rehire -- or did you rehire any sergeants?</p> <p>12 A. Yes.</p> <p>13 Q. And sergeants are up under lieutenants?</p> <p>14 A. Correct.</p> <p>15 Q. And you did rehire some correctional</p> <p>16 officers?</p> <p>17 A. I did.</p> <p>18 Q. How many correctional officers did you</p> <p>19 rehire?</p> <p>20 A. I can't tell you off the top of my head.</p> <p>21 Q. How many correctional officers did you not</p> <p>22 rehire?</p> <p>23 A. Five.</p> <p>24 Q. How many correctional officers did you</p> <p>25 have in December 2023?</p>

20 (Pages 74 to 77)

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<p>1        A. You talking about what the sergeants and 2        all, or just -- 3        Q. Correctional officers. 4              MR. CARPENTER: COs. 5        THE WITNESS: I really don't know off 6        the top of my head. Like I say, I might 7        have 50 today, and tomorrow I might have 8        46. 9        BY MR. RHODES: 10       Q. If you look at their organizational chart, 11       can you tell me -- on the organization chart, could 12       you tell how many -- I know we have slots for 13       officer -- correctional officers, but could you 14       tell me for each shift, could you tell how many you 15       had in each shift? 16       A. It's either seven or eight supposed to be 17       on a shift that I know of. 18       Q. And how many shifts did you have? 19       A. Two shifts. Night, morning -- 20       Q. Seven or eight, let's say for seven, and 21       two shifts, that's 14 officers. 22       A. Right. You got some that work from 6:00 23       to 6:00 in the morning, 6:00 in the morning to 6:00 24       that evening, then 6:00 p.m. to 6:00 a.m. 25       Q. And so, out of 14, you said five of them</p>	<p>1        Q. Who supervised the correction officers? 2        A. The warden -- I mean, the warden -- the 3        warden and anyone in the chain of command can 4        supervise the CO. 5        Q. Okay. Isn't the CO's immediate supervisor 6        a sergeant? 7        A. Sergeant, right. That's the one that's on 8        the shift. 9        Q. And the sergeant's immediate supervisor is 10       the lieutenant? 11       A. Correct. 12       Q. And isn't it true that Ms. Shaquita McComb 13       was a correctional officer? 14       A. Correct. 15       Q. And Ms. Carolyn Smith was a lieutenant? 16       A. Correct. 17       Q. Ms. Carolyn Smith was not Shaquita 18       McComb's immediate supervisor; is that correct? 19       A. Correct. 20       Q. And the sergeant would have been 21       Ms. Shaquita McComb's immediate supervisor; isn't 22       that correct? 23       A. Sure. 24       Q. And you did not have Ms. Shaquita McComb's 25       immediate supervisor, who was that sergeant, in</p>
<p>1        you did not rehire? 2        A. Well, if you're not counting her as a 3        correction officer -- 4        Q. Only COs. 5        A. So you got Blake, Sandra Sanders, McComb, 6        and Ellis. Four. 7        Q. There's only four you didn't? 8        A. Correct. 9        Q. All the other COs you rehired? 10       A. Correct. 11       Q. And you thought that -- you believed 12       Ms. Smith that inmates were running wires? 13       A. That's what she said. I didn't see it. 14       Q. But you said that's one -- that's one of 15       the grounds you fired -- you did not rehire her. 16       A. That, and then when I questioned her about 17       her niece. I met with her niece one time. Some 18       contraband was trying to get in the facility. 19       Q. Okay. Who's her niece? 20       A. McComb. 21       Q. And what position did Shaquita McComb 22       have? 23       A. She was a CO. 24       Q. Correction officer? 25       A. Correct.</p>	<p>1        that meeting when you had Ms. Smith in the meeting, 2       did you? 3       A. Because that's her niece. 4       Q. You need to -- 5       A. No. 6       Q. -- answer yes or no. 7       A. No. 8       Q. No. You said no, and you said because 9       that's her niece? 10       A. No. I said I didn't have a sergeant there 11       during the time I had the meeting. 12       Q. Why didn't you have Ms. Shaquita McComb's 13       sergeant in the meeting with Ms. Shaquita McComb 14       instead of having Ms. Smith in the meeting? 15       A. Because it was her niece, and I wanted her 16       to be there when I talked to her niece. I could 17       have had the sergeant, but by her being the 18       lieutenant and her niece, I brought her in. 19       Q. Okay. Any other reason you did not rehire 20       Ms. Carolyn Smith? 21       A. Ms. Carolyn is a lieutenant and a 22       lieutenant is supposed to be on the floor all the 23       time, walking that floor, making sure things are 24       all right. Most of the time she'd be in the 25       warden's office. Okay? Couple of times that</p>

21 (Pages 78 to 81)

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<p>1 Ms. Smith had left that ground and didn't punch 2 out.</p> <p>3 Q. Let me ask you this: Where is your 4 office?</p> <p>5 A. My office is over in the sheriff's 6 building.</p> <p>7 Q. Your office is not in the correctional 8 facility, is it?</p> <p>9 A. No.</p> <p>10 Q. So you wasn't there to see what all those 11 employees were doing in the correctional facility, 12 were you?</p> <p>13 A. I walk my facility every day.</p> <p>14 Q. How often do you walk and how long?</p> <p>15 A. I be there for a minute, for a while.</p> <p>16 Q. What about the sheriff's department? Do 17 you walk that facility?</p> <p>18 A. Oh, yeah.</p> <p>19 Q. You can't be in two places at the same 20 time.</p> <p>21 A. I understand that, but I walk the facility 22 every day.</p> <p>23 Q. Do you have a log showing how often you 24 walk, a written log?</p> <p>25 A. When I goes in the facility, they signs</p>	<p>1 THE WITNESS: What y'all call them, 2 Carolyn?</p> <p>3 MR. CARPENTER: She can't answer any 4 questions.</p> <p>5 MR. RHODES: She can't answer 6 questions.</p> <p>7 THE WITNESS: It -- it -- it keep up 8 with all the details that goes on. 9 Everything. Everything that goes on at 10 the facility. When they go on yard call, 11 they'll do that. When they -- when they 12 do count of the facility, all that goes in 13 there.</p> <p>14 BY MR. RHODES:</p> <p>15 Q. Does everybody sign?</p> <p>16 A. Anybody that -- if you go in that facility 17 and you walk in with me, we both have to sign the 18 book.</p> <p>19 Q. Okay. Now, for the books that were in 20 20 -- from 2020 to 2023, where would those books 21 be?</p> <p>22 A. I don't know. They keep them somewhere. 23 I don't know where they keep them at.</p> <p>24 Q. Who keep them?</p> <p>25 A. I guess the warden or deputy warden.</p>
<p>1 in. They'll sign in.</p> <p>2 Q. Do you have a sign-in log?</p> <p>3 A. No.</p> <p>4 Q. Do you sign in every time you go in?</p> <p>5 A. No, I do not.</p> <p>6 Q. So you don't have any proof that -- of the 7 times you walked the facility, the correctional 8 facility?</p> <p>9 MR. CARPENTER: Objection.</p> <p>10 THE WITNESS: (No verbal response.)</p> <p>11 BY MR. RHODES:</p> <p>12 Q. Do you? You don't have any documented 13 written proof showing the times -- the dates and 14 times you walked the correctional facility?</p> <p>15 A. When I goes in the facility --</p> <p>16 Q. You can answer yes or no.</p> <p>17 A. Yes.</p> <p>18 Q. If you have any written documentary proof 19 of the dates and times that you walk the 20 correctional facility.</p> <p>21 A. It should be. I sign the books when I go 22 in, in the back.</p> <p>23 Q. Okay. What are those books called so we 24 can subpoena those books?</p> <p>25 A. I let them -- it's a --</p>	<p>1 Q. 'Cause you don't know where they get them?</p> <p>2 A. That's why they're in there for.</p> <p>3 Q. I thought you the head.</p> <p>4 A. The head?</p> <p>5 MR. CARPENTER: Objection; 6 argumentative. Go ahead.</p> <p>7 THE WITNESS: I'm the head, but you 8 have -- I have people in place. That's 9 what the warden and the majors and all 10 them is for.</p> <p>11 BY MR. RHODES:</p> <p>12 Q. So if we needed to subpoena the books from 13 2020 through 2024, who we need to issue that 14 subpoena to?</p> <p>15 A. I guess you'd have to go to the deputy 16 warden, I guess. I don't know what it -- when 17 the -- when the book's filled out, that's a 18 question I have to ask.</p> <p>19 Q. Okay.</p> <p>20 A. Because --</p> <p>21 Q. Who's the warden now?</p> <p>22 A. Henry Felton.</p> <p>23 Q. And who is the deputy warden now?</p> <p>24 A. Cassandra Robinson.</p> <p>25 Q. Okay. There's nothing in Ms. Carolyn</p>

22 (Pages 82 to 85)

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<p>1 Smith's personnel file that she did not do her job      2 while you were the sheriff, is there?      3 A. In her file?      4 Q. Written. Any --      5 A. While I was sheriff or the whole time she      6 was there?      7 Q. While you were sheriff.      8 A. No.      9 Q. So all this stuff you're telling me about      10 now, there's no written documentation in her      11 personnel file to back it up?      12 A. No.      13 MR. RHODES: Okay. Would that be 8?      14 MR. CARPENTER: It would be.      15 MR. RHODES: Yes. See, I told you.      16 Told you don't be too mad.      17 (EXHIBIT 8 MARKED FOR THE RECORD.)      18 BY MR. RHODES:      19 Q. I want to ask you about Ms. Shaquita      20 McComb, where you stated that you regret to inform      21 her that you weren't going to rehire her and could      22 you -- did you -- you didn't put the reasons in      23 Exhibit 8 why you were not rehiring her, did you?      24 A. No.      25 Q. And in Exhibit 7, you did not put the</p>	<p>1 got an inmate on top of the rack, keep pointing at      2 somebody on the outside saying -- like somebody      3 telling him to throw something somewhere. That      4 didn't happen.      5 Q. Now, how do you know that happened?      6 A. I got a recording.      7 Q. You said I saw a recording, which I have      8 not been given a copy of that recording.      9 MR. CARPENTER: That's the same as      10 the rest.      11 BY MR. RHODES:      12 Q. And we need to copy that recording because      13 I want to ask you about the time. Does it have the      14 date and time stamped on that recording?      15 A. I don't know. I got it -- they have it.      16 I don't know if it was on there or not, but she was      17 at work that day.      18 Q. Isn't it true that Ms. McComb had gotten      19 off at the time that showed when the bag was      20 supposed to have been thrown over and the inmate      21 was running?      22 A. It was during the time that the shift      23 would change. At Control 3, they always would be      24 slow about getting over there.      25 Q. Isn't it true that Ms. McComb was not on</p>
<p>1 reasons in there why you were not rehiring      2 Ms. Smith, did you?      3 A. No.      4 Q. Okay. So give me the reasons you did not      5 rehire Ms. McComb.      6 A. Ms. McComb, for one, she came to work with      7 a set of brass knuckles and a knife. That is a      8 no-no on the grounds. And she was reprimanded for      9 that. The other one was the contraband.      10 Q. Tell me about the contraband.      11 A. It was some contraband, which was trying      12 to get in the facility. Big black garbage bags got      13 hung over the fence. They're trying to get thrown      14 in the facility, and the only way that it could get      15 in there is that you had to open that side door to      16 get it in.      17 And by her being the tower operator of      18 Control 3, the way that that young man would run up      19 to the back door and run it back outside the wall,      20 get on top of the top bunk, pointing like this, get      21 back down, and run back down there again, and they      22 kept back and forward.      23 By her being the tower operator, she      24 should have noticed that and called and said, Hey,      25 someone need to go outside, do a running check. I</p>	<p>1 duty when that actually happened?      2 A. She was on duty.      3 Q. And she was not written up for that, was      4 she?      5 A. No. She wasn't written up, because I      6 brought the lieutenant over in the office and had      7 the conversation with them.      8 Q. And isn't it true that they proved to you      9 that she was not on duty and that's the reason you      10 did not write her up?      11 A. No, that's not.      12 Q. Isn't it true that it was someone else's      13 shift --      14 A. No.      15 Q. -- that that would happen on?      16 A. No.      17 Q. Isn't it true that Ms. McComb was really      18 off that day?      19 A. No. She worked that day.      20 Q. And I understand that the -- we had asked      21 for all documents they had, especially any proof      22 that you're saying that they -- the plaintiffs --      23 A. That's why --      24 Q. -- but we weren't given that -- that      25 recording, but I understand the recording has the</p>

23 (Pages 86 to 89)

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<p>1 date and timestamp on it.</p> <p>2 MR. CARPENTER: Okay. In response --</p> <p>3 because you're looking at me on that</p> <p>4 one -- I'm not sure if it has the time. I</p> <p>5 do know there were photographs that were</p> <p>6 submitted that were a part of the video,</p> <p>7 but we'll go look for the video.</p> <p>8 But I do know that the photographs</p> <p>9 from that are present, and they're just</p> <p>10 defendants' 264 to 276.</p> <p>11 MR. RHODES: I know.</p> <p>12 MR. CARPENTER: But I will check for</p> <p>13 you.</p> <p>14 MR. RHODES: And the reason being, we</p> <p>15 have -- we have --</p> <p>16 MR. CARPENTER: I know what you're</p> <p>17 looking for.</p> <p>18 MR. RHODES: -- we have proof on she</p> <p>19 was not at work at that time.</p> <p>20 MR. CARPENTER: That was a</p> <p>21 contention. Sure. Okay. Yeah. We'll</p> <p>22 track it down for you.</p> <p>23 BY MR. RHODES:</p> <p>24 Q. Any other reason you did not rehire her?</p> <p>25 MR. CARPENTER: Shaquita McComb?</p>	<p>1 the warden that.</p> <p>2 Q. Oh, well, I thought you said you had the</p> <p>3 authority to hire and fire.</p> <p>4 A. I had her rehired. She came to me and</p> <p>5 wanted her job back, because the previous sheriff</p> <p>6 had fired her. I rehired her. Had Kaho and them</p> <p>7 to rehire her.</p> <p>8 Q. Now, when you say "her," I'm talking</p> <p>9 about --</p> <p>10 A. Nikita (sic) Blake.</p> <p>11 Q. Bonita Blake?</p> <p>12 A. Bonita Blake, Bonita Blake.</p> <p>13 Q. I thought you were talking about</p> <p>14 Ms. Johnson.</p> <p>15 MR. CARPENTER: He's talking about</p> <p>16 Antoinette Johnson.</p> <p>17 BY MR. RHODES:</p> <p>18 Q. Antoinette Johnson?</p> <p>19 A. Okay. Now, see what happened now?</p> <p>20 Q. Yeah.</p> <p>21 A. Okay, okay.</p> <p>22 Q. All right. I want to back up. You said</p> <p>23 she was fired?</p> <p>24 A. Yeah. They -- they -- they dismissed her.</p> <p>25 Q. When you say "they" --</p>
<p style="text-align: center;">Page 91</p> <p>1 MR. RHODES: Shaquita McComb.</p> <p>2 MR. CARPENTER: There you go. Okay.</p> <p>3 All right.</p> <p>4 THE WITNESS: Not that I can think</p> <p>5 of.</p> <p>6 (OFF THE RECORD.)</p> <p>7 (EXHIBIT 9 MARKED FOR THE RECORD.)</p> <p>8 BY MR. RHODES:</p> <p>9 Q. You know where I'm going. Give me every</p> <p>10 reason -- Exhibit 9 -- every reason you did not</p> <p>11 rehire Bonita Blake.</p> <p>12 A. One reason is that we had one female that</p> <p>13 had been hired, and Bonita was the trainer to</p> <p>14 showing this young lady what to do. Two of them</p> <p>15 was involved. They had an inmate to pull out his</p> <p>16 privates, because Bonita said, I heard you were</p> <p>17 working with something. Let me see what you're</p> <p>18 working with, and he pulled the privates out.</p> <p>19 And they did an interview with both of</p> <p>20 them and only one that was terminated, and that was</p> <p>21 Angenette (sic) Johnson was the one that was</p> <p>22 terminated, and Bonita wasn't.</p> <p>23 Q. Why was Angenette (sic) Johnson</p> <p>24 terminated?</p> <p>25 A. You'd have to ask the lieutenant that and</p>	<p style="text-align: center;">Page 93</p> <p>1 A. Warden Kaho and the interview board.</p> <p>2 Q. Okay. I thought you were the person who</p> <p>3 had the authority to hire and fire the people in</p> <p>4 the correctional facility.</p> <p>5 A. They can do it. If they doing something</p> <p>6 wrong, they can get rid of them.</p> <p>7 Q. So you're not the only person that has --</p> <p>8 A. Right.</p> <p>9 Q. -- the authority to hire and fire?</p> <p>10 A. Right. The warden, he had that.</p> <p>11 Q. Have you delegated that authority --</p> <p>12 A. Yes.</p> <p>13 Q. -- to the warden?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. So you had that authority, but you</p> <p>16 delegated it to the warden?</p> <p>17 A. Right, correct.</p> <p>18 Q. And you said a correctional board?</p> <p>19 A. They had an interview board. They went in</p> <p>20 and interviewed. They did an investigation on</p> <p>21 this.</p> <p>22 Q. I'm going to ask about the interview. Who</p> <p>23 set that interview board up?</p> <p>24 A. The warden -- he's the warden, and they --</p> <p>25 they -- they did an investigation on it.</p>

24 (Pages 90 to 93)

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<p>1 Q. Did you approve of that?</p> <p>2 A. I didn't have to approve of that because</p> <p>3 he was running it. That was an incident that</p> <p>4 happened with an inmate having -- having an inmate</p> <p>5 to pull out his privates. So the warden and them</p> <p>6 did an interview on it.</p> <p>7 Q. But -- but I'm asking you about hiring and</p> <p>8 firing employees. You said you the one who had</p> <p>9 that authority to hire and fire employees at the</p> <p>10 correctional facility.</p> <p>11 A. I do.</p> <p>12 Q. And now you're saying the warden had the</p> <p>13 authority, but I asked did you delegate the warden</p> <p>14 that authority?</p> <p>15 A. Yeah, yeah. They can do that.</p> <p>16 Q. But if the warden terminates somebody, do</p> <p>17 you review that since you his supervisor?</p> <p>18 A. Sometimes I do, and sometimes I don't.</p> <p>19 Q. So this Ms. Johnson that was terminated, I</p> <p>20 was going to ask you why -- the reason she was</p> <p>21 terminated.</p> <p>22 A. I don't know why they didn't terminate</p> <p>23 both of them.</p> <p>24 Q. But I want to know the reason they</p> <p>25 terminated Ms. Johnson.</p>	<p>1 A. Slack on -- slack on the warden's behalf.</p> <p>2 Q. And who -- which warden?</p> <p>3 A. Warden Kaho, and the deputy warden.</p> <p>4 Q. Did you terminate either one of them?</p> <p>5 A. No. The warden left. Didn't let me know.</p> <p>6 And the deputy warden retired.</p> <p>7 Q. When did this incident happen involving</p> <p>8 Ms. Johnson and Bonita Blake?</p> <p>9 A. You have to look in -- we have to look in</p> <p>10 Ms. Johnson's file to find that out, the exact</p> <p>11 date, because I think it might be something in her</p> <p>12 file, 'cause she was terminated. Should be. They</p> <p>13 terminated her.</p> <p>14 Q. Well, that incident with Ms. Johnson</p> <p>15 happened several months before Warden Kaho retired.</p> <p>16 A. Yes. He was the warden during that time.</p> <p>17 Q. But you did not terminate Warden Kaho?</p> <p>18 A. No.</p> <p>19 Q. And I was trying to figure out what was</p> <p>20 the distinction. Why was Ms. Johnson terminated</p> <p>21 and Ms. Blake not terminated?</p> <p>22 A. I wasn't in the interview. I didn't do no</p> <p>23 investigation on it. My warden, and I assume my</p> <p>24 deputy warden and the lieutenant, did an</p> <p>25 investigation on it. They had a hearing with both</p>
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<p>1 A. Because they had the inmate to pull out</p> <p>2 his privates.</p> <p>3 Q. And you said "they."</p> <p>4 A. Anita Blake -- Bonita Blake and</p> <p>5 Ms. Antoinette Johnson.</p> <p>6 Q. Do you know if Ms. Johnson said something</p> <p>7 that Ms. Blake didn't? Why the difference in the</p> <p>8 distinction of why Ms. Johnson was terminated, but</p> <p>9 Ms. Blake was not terminated?</p> <p>10 A. You'd have to ask the lieutenant that, and</p> <p>11 you have to ask the warden that, and whoever sits</p> <p>12 on that board.</p> <p>13 Q. There is nothing in Ms. Bonita Blake's</p> <p>14 personnel file about this incident, is there?</p> <p>15 Written?</p> <p>16 A. It should have been if they did an</p> <p>17 interview.</p> <p>18 Q. If you look back at your answers to</p> <p>19 Interrogatory Number 15 --</p> <p>20 A. I'm going to say no.</p> <p>21 Q. -- there are no written warnings or</p> <p>22 reprimands on Ms. Bonita Blake.</p> <p>23 A. I'm going to say no.</p> <p>24 Q. So why wasn't there anything written in</p> <p>25 Ms. Bonita Blake's file?</p>	<p>1 of them in Warden Kaho office. So they the one</p> <p>2 made the determination. Not me.</p> <p>3 Q. And you indicated there is a written</p> <p>4 reason in Ms. Johnson's file as to why she was</p> <p>5 terminated.</p> <p>6 A. It should be. They terminated her.</p> <p>7 Q. Now, when you say it should be, do you</p> <p>8 know if there's anything in there?</p> <p>9 A. I do not know.</p> <p>10 MR. CARPENTER: You want that?</p> <p>11 MR. RHODES: Yes.</p> <p>12 MR. CARPENTER: Making notes. The</p> <p>13 Johnson file. Okay.</p> <p>14 BY MR. RHODES:</p> <p>15 Q. Any other reason you did not rehire Bonita</p> <p>16 Blake?</p> <p>17 A. Because Bonita talked to the inmates so</p> <p>18 rough. The inmates would come up to me and say,</p> <p>19 Sheriff Bailey, you need to talk to Ms. Blake. She</p> <p>20 come back here and call us. Get your punk ass</p> <p>21 upside the wall. You short dick, MF, and all of</p> <p>22 that.</p> <p>23 And that's not the way you talk to an</p> <p>24 inmate. And them inmates was talking about hurting</p> <p>25 her.</p>

25 (Pages 94 to 97)

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<p>1 Q. And you don't -- you didn't put anything 2 in writing in her file about giving her a warning 3 or a reprimand about how she talked to the inmates? 4 A. The warden knew about it. 5 Q. But you didn't do it? 6 A. I did not. No. 7 Q. Now, who is over all the employees of the 8 correctional facility? 9 A. Who over it? 10 Q. Yeah. Who's over it? 11 A. The warden. 12 Q. Oh -- 13 A. He's the -- 14 Q. -- I thought you were. 15 A. I am, but the warden runs it for me. 16 Q. Yeah, but I thought you said you make 17 these rounds all the time. 18 A. I make my rounds. I goes up to the front 19 every day. I walk through the PIC place. I even 20 walk around the facility every day on the grounds. 21 I does that. 22 Q. But you didn't enter anything in 23 Ms. Blake's personnel file? 24 A. No. Let me get -- 25 Q. And that's 10 -- you said do something.</p>	<p>1 she have a pacemaker, something dealing with the 2 heart, and she passes out. 3 And if she in that facility back there and 4 passes out and hit her head on that -- on that door 5 back there, steel door, or that concrete, and 6 something's going on in the facility, how would we 7 know if she can't get on the -- on the radio and 8 call a code red for a fight, a code blue for 9 someone sick, or C51 for a fire if she's passed 10 out? 11 That's protecting county resources. Her 12 health is not well enough. She couldn't even get 13 between a fight and break it up. If they hit her 14 in the chest, she might pass out. When she get 15 upset, she passes out. 16 Q. So you didn't rehire Ms. Sandra Sanders 17 because of health issues? 18 A. Yeah, health issues, right. Reliability 19 and protecting -- taking care of the resources. 20 Q. Last one. 21 MR. CARPENTER: Let me guess. 22 MR. RHODES: Yeah. 23 (EXHIBIT 11 MARKED FOR THE RECORD.) 24 BY MR. RHODES: 25 Q. Okay. Sheriff, I want to ask you the same</p>
<p>1 A. Yeah. 2 (EXHIBIT 10 MARKED FOR THE RECORD.) 3 BY MR. RHODES: 4 Q. Sheriff, I'm going -- same question. I 5 need you to tell me every reason you did not rehire 6 Sandra Sanders. 7 A. Sandra Sanders have a history of passing 8 out. One time she went off to transport inmates to 9 the -- to a health facility, and she ended up 10 having to get a heart test herself. Something 11 dealing with her heart. 12 And then another occasion, something 13 happened in the jail, and she was able to call for 14 some assistance. Then when they get over there, 15 she done passed out. So they had to call the 16 ambulance out there for her. 17 And that particular time, they took her to 18 the hospital. They took her to Jefferson County 19 out here. And then another time, it happened maybe 20 a month or two months after that happened, I had to 21 call the ambulance out again. 22 And she got in the ambulance, but then I'm 23 thinking she going to the hospital. I leave; she 24 didn't go. She went on back to work. So Sandra 25 had a -- had a -- I don't know. I don't know if</p>	<p>1 question about James Ellis, Jr., every reason you 2 did not rehire him. 3 A. Same way, kind of echoing about Sandra 4 Sanders. He have a history of passing out. Not -- 5 not on the job, but at his house, he had passed out 6 several times. Like, he have a heart problem. And 7 I suspicious of him bringing contraband into the 8 facility. 9 Q. Now, you say you were suspicious? 10 A. Yes. 11 Q. Did you ever meet with him and talk to him 12 about it? 13 A. I wanted to catch him. 14 Q. And you don't have -- you didn't document 15 anything in his personnel file? 16 A. No. 17 Q. Did you ever catch him bringing 18 contraband? 19 A. No. 20 Q. Do you have contraband coming in now? 21 A. It's slow. They did a shakedown last 22 week, and they found one phone. 23 Q. But Mr. Ellis is not working out there? 24 A. No. 25 Q. Now, have you given me every reason that</p>

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<p>1 you did not rehire any of the plaintiffs, Carolyn      2 Smith, Shaquita McComb, Bonita Blake, Sandra      3 Sanders, and James Ellis, Jr.?</p> <p>4 A. That's it.</p> <p>5 Q. Did you ever talk to any of them, Carolyn      6 Smith, Shaquita McComb, Bonita Blake, Sandra      7 Sanders, or James Ellis, Jr., about supporting you      8 for reelection for sheriff?</p> <p>9 MR. CARPENTER: Objection.</p> <p>10 THE WITNESS: Again, I never asked      11 any of my employees to support me.</p> <p>12 BY MR. RHODES:</p> <p>13 Q. So that would be, no --</p> <p>14 A. No.</p> <p>15 Q. -- you didn't ask them again?</p> <p>16 A. No.</p> <p>17 Q. And did you ask any employees in the      18 mandatory meeting you had in June of 2023 to      19 support you?</p> <p>20 A. No.</p> <p>21 Q. Do you recall seeing any of the Carolyn      22 Smith, Shaquita McComb, Bonita Blake, Sandra      23 Sanders, or James Ellis, Jr., at any political      24 events where other candidates for sheriff were      25 there?</p>	<p>1 are running. Don't go say nothing to that woman.      2 A couple days later, he came back, said, I      3 said something to her. I never even asked him what      4 did she say. He said, I said something to her.      5 She say, You can put a sign in her yard. I say,      6 Henry, I told you do not go say anything to that      7 woman about that sign. Again, sign do not vote.      8 Sign let people run. That's what I told him.      9 Q. What is Henry's last name?</p> <p>10 A. Sandra Sanders.</p> <p>11 MR. CARPENTER: No. Henry's last      12 name.</p> <p>13 THE WITNESS: Oh, Henry. Henry      14 Felton.</p> <p>15 BY MR. RHODES:</p> <p>16 Q. And do you know his address?</p> <p>17 A. No, but we can get it. That won't be no      18 problem to get it.</p> <p>19 MR. CARPENTER: I think we may --</p> <p>20 BY MR. RHODES:</p> <p>21 Q. What is his position?</p> <p>22 A. He warden now, but back then, he was a      23 major.</p> <p>24 Q. Was there someone else in that --</p> <p>25 A. Anthony Green.</p>
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<p>1 A. The only one I can really recall was      2 Carolyn. That was the one in Union Church at the      3 fire station. I had one in my house. So that's      4 the only one I seen her at.</p> <p>5 Q. Do you recall ever seeing any of -- any      6 campaign signs for any other candidate for sheriff      7 in the yards of either Carolyn Smith, Shaquita      8 McComb, Bonita Blake, Sandra Sanders, or James      9 Ellis, Jr.?</p> <p>10 A. I didn't see one, but my deputy seen one      11 in Sandra Sanders's yard.</p> <p>12 Q. Which candidate sign did he see?</p> <p>13 A. Sean Jones.</p> <p>14 Q. Your deputy told you about it?</p> <p>15 A. He did. We was over by the shop, and      16 he -- I was over there, and Henry Felton, who is      17 the warden now but he was a major, and Green go,      18 like, and I seen a sign in Sandra Sanders's yard,      19 Sean Jones sign in her yard.</p> <p>20 And Henry go, like, What? She got a sign?      21 He said, Yeah. He said, I'm going to say something      22 to her.</p> <p>23 I said, Look, Henry, don't say nothing to      24 that woman about that sign. I said, Sign don't      25 vote. Sign only let someone -- let people know who</p>	<p>1 Q. Anthony Green was a deputy?</p> <p>2 A. He was a deputy. He the one mentioned it      3 about the sign, because I had never seen it.</p> <p>4 Q. Now, is he a deputy sheriff?</p> <p>5 A. He a deputy sheriff. He's still employed      6 now.</p> <p>7 Q. Okay. Do you know his address?</p> <p>8 A. No. But it's in Stampley. It won't be      9 hard to get.</p> <p>10 Q. In Stampley?</p> <p>11 A. In Stampley. The same way where Warden      12 Felton is from, same community.</p> <p>13 MR. CARPENTER: We'll get it.</p> <p>14 MR. RHODES: Okay.</p> <p>15 BY MR. RHODES:</p> <p>16 Q. James Ellis, Jr., do you ever recall      17 seeing him -- his car, his personal vehicle at Sean      18 Jones's house?</p> <p>19 A. No, I didn't.</p> <p>20 Q. You don't recall seeing it?</p> <p>21 A. No.</p> <p>22 Q. You've never said anything to him about      23 his car?</p> <p>24 A. I ain't never talked to none of my      25 employees about no politics. On the grounds, off</p>

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<p>1 the grounds. No.</p> <p>2 Q. Talked to the employees. What about</p> <p>3 people in the community? Have you told people in</p> <p>4 the community that you were going to get rid of the</p> <p>5 snakes who didn't support you?</p> <p>6 A. I didn't say nothing like that. What's a</p> <p>7 snake? I ain't never said nothing like that.</p> <p>8 Q. Did you tell anybody in the community that</p> <p>9 you were going to fire the people who did not</p> <p>10 support you?</p> <p>11 A. I didn't know any of my people was</p> <p>12 involved in politics.</p> <p>13 Q. Do you know Connie Hollands?</p> <p>14 A. Connie Hollands?</p> <p>15 Q. Hollands.</p> <p>16 A. Yeah, I know Connie.</p> <p>17 Q. Did you recall Connie Hollands calling you</p> <p>18 and talking to you about rehiring Carolyn Smith?</p> <p>19 A. She did.</p> <p>20 Q. And do you recall telling her that -- she</p> <p>21 asked -- you said she could ask for any favor other</p> <p>22 than that?</p> <p>23 A. Possibility.</p> <p>24 Q. And do you recall telling Connie Hollands</p> <p>25 did you not rehire Carolyn Smith because she did</p>	<p>1 MR. CARPENTER: And I don't have any.</p> <p>2 THE COURT REPORTER: Do you want to</p> <p>3 do the same with him?</p> <p>4 MR. CARPENTER: Do you want to read</p> <p>5 and sign? Are you good with your answers?</p> <p>6 THE WITNESS: I'm good.</p> <p>7 MR. CARPENTER: No. We'll waive.</p> <p>8 THE COURT REPORTER: Okay. Do you</p> <p>9 still need a copy?</p> <p>10 MR. CARPENTER: Oh, yeah.</p> <p>11 (DEPOSITION CONCLUDED AT 4:00 P.M.)</p> <p>12</p> <p>13 ORIGINAL: CARROLL E. RHODES, ESQ.</p> <p>14 COPY: THOMAS L. CARPENTER, JR., ESQ.</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p>1 not support you for sheriff?</p> <p>2 A. Again, I don't know who supported me. I</p> <p>3 didn't go in no poll with no one to vote. I don't</p> <p>4 know. I didn't ask any of my employees to support</p> <p>5 me.</p> <p>6 Q. Do you recall telling someone that you</p> <p>7 were not going to rehire them because they did not</p> <p>8 support you?</p> <p>9 A. No. No.</p> <p>10 Q. Do you recall telling Connie Hollands that</p> <p>11 she could ask you for a favor for anything in the</p> <p>12 world other than to rehire Carolyn Smith?</p> <p>13 A. I can't recall that. I can't recall that.</p> <p>14 MR. RHODES: Give me a minute.</p> <p>15 MR. CARPENTER: No sweat.</p> <p>16 MR. RHODES: We going to supplement,</p> <p>17 too.</p> <p>18 MR. CARPENTER: I got you. I got you</p> <p>19 covered. You're right. But before we</p> <p>20 go --</p> <p>21 THE COURT REPORTER: Off the record?</p> <p>22 MR. RHODES: Off the record.</p> <p>23 (OFF THE RECORD.)</p> <p>24 MR. RHODES: That's it. That's all I</p> <p>25 have.</p>	<p>1 CERTIFICATE OF COURT REPORTER</p> <p>2 I, Ella J. Hardwick, CVR-M, CCR #1749, Court</p> <p>3 Reporter and Notary Public in and for the State of</p> <p>4 Mississippi, hereby certify that the foregoing</p> <p>5 contains a true and correct transcript, to the best</p> <p>6 of my ability, as taken by me in the aforementioned</p> <p>7 matter at the time and place heretofore stated.</p> <p>8 I further certify that under the authority</p> <p>9 vested in me by the State of Mississippi the</p> <p>10 witness was placed under oath by me to truthfully</p> <p>11 answer all questions in the matter. I further</p> <p>12 certify that I am not in the employ of or related</p> <p>13 to any counsel or party in this matter and have no</p> <p>14 interest, monetary or otherwise, in the final</p> <p>15 outcome of this matter.</p> <p>16 Witness my signature and seal this the 13th day</p> <p>17 of May, 2025.</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p><i>Ella J. Hardwick</i> Ella J. Hardwick, CVR-M, CCR #1749</p> <p>My Commission Expires:</p> <p>February 8, 2029</p>

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